

Union Calendar No. 594

110TH CONGRESS
2D SESSION**H. R. 7323****[Report No. 110-920]**

Making appropriations for financial services and general government for the fiscal year ending September 30, 2009, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2008

Mr. SERRANO, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for financial services and general government for the fiscal year ending September 30, 2009, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2009, and for other pur-
6 poses, namely:

1 TITLE I
2 DEPARTMENT OF THE TREASURY
3 DEPARTMENTAL OFFICES
4 SALARIES AND EXPENSES
5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses of the Departmental Offices
7 including operation and maintenance of the Treasury
8 Building and Annex; hire of passenger motor vehicles;
9 maintenance, repairs, and improvements of, and purchase
10 of commercial insurance policies for, real properties leased
11 or owned overseas, when necessary for the performance
12 of official business, \$275,395,000, of which not to exceed
13 \$21,592,000 is for executive direction program activities;
14 not to exceed \$45,853,000 is for economic policies and
15 programs activities; not to exceed \$35,435,000 is for fi-
16 nancial policies and programs activities; not to exceed
17 \$62,012,000 is for terrorism and financial intelligence ac-
18 tivities; not to exceed \$19,009,000 is for Treasury-wide
19 management policies and programs activities; and not to
20 exceed \$91,494,000 is for administration programs activi-
21 ties: *Provided*, That the Secretary of the Treasury is au-
22 thorized to transfer funds appropriated for any program
23 activity of the Departmental Offices to any other program
24 activity of the Departmental Offices upon notification to
25 the House and Senate Committees on Appropriations:

1 *Provided further*, That no appropriation for any program
2 activity shall be increased or decreased by more than 4
3 percent by all such transfers: *Provided further*, That any
4 change in funding greater than 4 percent shall be sub-
5 mitted for approval to the House and Senate Committees
6 on Appropriations: *Provided further*, That of the amount
7 appropriated under this heading, not to exceed
8 \$3,000,000, to remain available until September 30, 2010,
9 is for information technology modernization requirements;
10 not to exceed \$150,000 is for official reception and rep-
11 resentation expenses; and not to exceed \$258,000 is for
12 unforeseen emergencies of a confidential nature, to be allo-
13 cated and expended under the direction of the Secretary
14 of the Treasury and to be accounted for solely on his cer-
15 tificate: *Provided further*, That of the amount appro-
16 priated under this heading, \$5,232,443, to remain avail-
17 able until September 30, 2010, is for the Treasury-wide
18 Financial Statement Audit and Internal Control Program,
19 of which such amounts as may be necessary may be trans-
20 ferred to accounts of the Department's offices and bureaus
21 to conduct audits: *Provided further*, That this transfer au-
22 thority shall be in addition to any other provided in this
23 Act: *Provided further*, That of the amount appropriated
24 under this heading, \$500,000, to remain available until
25 September 30, 2010, is for secure space requirements:

1 *Provided further*, That of the amount appropriated under
 2 this heading, \$1,100,000, to remain available until Sep-
 3 tember 30, 2010, is for salary and benefits for hiring of
 4 personnel whose work will require completion of a security
 5 clearance investigation in order to perform highly classi-
 6 fied work to further the activities of the Office of Ter-
 7 rorism and Financial Intelligence: *Provided further*, That
 8 of the amount appropriated under this heading,
 9 \$3,400,000, to remain available until September 30, 2011,
 10 is to develop and implement programs within the Office
 11 of Critical Infrastructure Protection and Compliance Pol-
 12 icy, including entering into cooperative agreements: Pro-
 13 vided further, That of the amount appropriated under this
 14 heading \$3,000,000 to remain available until September
 15 30, 2011, is for modernizing the Office of Debt Manage-
 16 ment's information technology.

17 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

18 INVESTMENTS PROGRAMS

19 (INCLUDING TRANSFER OF FUNDS)

20 For development and acquisition of automatic data
 21 processing equipment, software, and services for the De-
 22 partment of the Treasury, \$26,975,000, to remain avail-
 23 able until September 30, 2011: *Provided*, That
 24 \$11,518,000 is for repairs to the Treasury Annex Build-
 25 ing: *Provided further*, That these funds shall be trans-

1 ferred to accounts and in amounts as necessary to satisfy
2 the requirements of the Department's offices, bureaus,
3 and other organizations: *Provided further*, That this trans-
4 fer authority shall be in addition to any other transfer au-
5 thority provided in this Act: *Provided further*, That none
6 of the funds appropriated under this heading shall be used
7 to support or supplement "Internal Revenue Service, Op-
8 erations Support" or "Internal Revenue Service, Business
9 Systems Modernization".

10 OFFICE OF INSPECTOR GENERAL

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of Inspector
13 General in carrying out the provisions of the Inspector
14 General Act of 1978, not to exceed \$2,000,000 for official
15 travel expenses, including hire of passenger motor vehicles;
16 and not to exceed \$100,000 for unforeseen emergencies
17 of a confidential nature, to be allocated and expended
18 under the direction of the Inspector General of the Treas-
19 ury, \$19,356,000, of which not to exceed \$2,500 shall be
20 available for official reception and representation ex-
21 penses.

1 TREASURY INSPECTOR GENERAL FOR TAX

2 ADMINISTRATION

3 SALARIES AND EXPENSES

4 For necessary expenses of the Treasury Inspector
5 General for Tax Administration in carrying out the In-
6 spector General Act of 1978, including purchase (not to
7 exceed 150 for replacement only for police-type use) and
8 hire of passenger motor vehicles (31 U.S.C. 1343(b));
9 services authorized by 5 U.S.C. 3109, at such rates as
10 may be determined by the Inspector General for Tax Ad-
11 ministration; \$145,736,000, of which not to exceed
12 \$6,000,000 shall be available for official travel expenses;
13 of which not to exceed \$500,000 shall be available for un-
14 foreseen emergencies of a confidential nature, to be allo-
15 cated and expended under the direction of the Inspector
16 General for Tax Administration; and of which not to ex-
17 ceed \$1,500 shall be available for official reception and
18 representation expenses.

19 FINANCIAL CRIMES ENFORCEMENT NETWORK

20 SALARIES AND EXPENSES

21 For necessary expenses of the Financial Crimes En-
22 forcement Network, including hire of passenger motor ve-
23 hicles; travel and training expenses of non-Federal and
24 foreign government personnel to attend meetings and
25 training concerned with domestic and foreign financial in-

1 telligence activities, law enforcement, and financial regula-
2 tion; not to exceed \$14,000 for official reception and rep-
3 resentation expenses; and for assistance to Federal law en-
4 forcement agencies, with or without reimbursement,
5 \$91,335,000, of which not to exceed \$16,340,000 shall re-
6 main available until September 30, 2011; and of which
7 \$9,178,000 shall remain available until September 30,
8 2010: *Provided*, That funds appropriated in this account
9 may be used to procure personal services contracts.

10 FINANCIAL MANAGEMENT SERVICE

11 SALARIES AND EXPENSES

12 For necessary expenses of the Financial Management
13 Service, \$239,344,000, of which not to exceed \$9,220,000
14 shall remain available until September 30, 2011, for infor-
15 mation systems modernization initiatives; and of which not
16 to exceed \$2,500 shall be available for official reception
17 and representation expenses.

18 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

19 SALARIES AND EXPENSES

20 For necessary expenses of carrying out section 1111
21 of the Homeland Security Act of 2002, including hire of
22 passenger motor vehicles, \$96,900,000; of which not to ex-
23 ceed \$6,000 for official reception and representation ex-
24 penses; not to exceed \$50,000 for cooperative research and
25 development programs for laboratory services; and provi-

1 sion of laboratory assistance to State and local agencies
2 with or without reimbursement.

3 UNITED STATES MINT

4 UNITED STATES MINT PUBLIC ENTERPRISE FUND

5 Pursuant to section 5136 of title 31, United States
6 Code, the United States Mint is provided funding through
7 the United States Mint Public Enterprise Fund for costs
8 associated with the production of circulating coins, numis-
9 matic coins, and protective services, including both oper-
10 ating expenses and capital investments. The aggregate
11 amount of new liabilities and obligations incurred during
12 fiscal year 2009 under such section 5136 for circulating
13 coinage and protective service capital investments of the
14 United States Mint shall not exceed \$42,150,000.

15 BUREAU OF THE PUBLIC DEBT

16 ADMINISTERING THE PUBLIC DEBT

17 For necessary expenses connected with any public-
18 debt issues of the United States, \$187,054,000, of which
19 not to exceed \$2,500 shall be available for official recep-
20 tion and representation expenses, and of which not to ex-
21 ceed \$2,000,000 shall remain available until September
22 30, 2011, for systems modernization: *Provided*, That the
23 sum appropriated herein from the general fund for fiscal
24 year 2009 shall be reduced by not more than \$10,000,000
25 as definitive security issue fees and Legacy Treasury Di-

1 rect Investor Account Maintenance fees are collected, so
2 as to result in a final fiscal year 2009 appropriation from
3 the general fund estimated at \$177,054,000. In addition,
4 \$90,000 to be derived from the Oil Spill Liability Trust
5 Fund to reimburse the Bureau for administrative and per-
6 sonnel expenses for financial management of the Fund,
7 as authorized by section 1012 of Public Law 101–380.

8 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS
9 FUND PROGRAM ACCOUNT

10 To carry out the Community Development Banking
11 and Financial Institutions Act of 1994 (Public Law 103–
12 325), including services authorized by 5 U.S.C. 3109, but
13 at rates for individuals not to exceed the per diem rate
14 equivalent to the rate for ES–3, \$105,000,000 to remain
15 available until September 30, 2010, of which up to
16 \$13,778,000 may be used for administrative expenses, in-
17 cluding administration of the New Markets Tax Credit,
18 up to \$7,500,000 may be used for the cost of direct loans,
19 and up to \$250,000 may be used for administrative ex-
20 penses to carry out the direct loan program: *Provided*,
21 That the cost of direct loans, including the cost of modi-
22 fying such loans, shall be as defined in section 502 of the
23 Congressional Budget Act of 1974: *Provided further*, That
24 these funds are available to subsidize gross obligations for

1 the principal amount of direct loans not to exceed
2 \$16,000,000.

3 INTERNAL REVENUE SERVICE

4 TAXPAYER SERVICES

5 For necessary expenses of the Internal Revenue Serv-
6 ice to provide taxpayer services, including pre-filing assist-
7 ance and education, filing and account services, taxpayer
8 advocacy services, and other services as authorized by 5
9 U.S.C. 3109, at such rates as may be determined by the
10 Commissioner, \$2,210,000,000, of which not less than
11 \$5,100,000 shall be for the Tax Counseling for the Elderly
12 Program, of which not less than \$9,500,000 shall be avail-
13 able for low-income taxpayer clinic grants, and of which
14 not less than \$192,000,000 shall be available for operating
15 expenses of the Taxpayer Advocate Service.

16 ENFORCEMENT

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses of the Internal Revenue Serv-
19 ice to determine and collect owed taxes, to provide legal
20 and litigation support, to conduct criminal investigations,
21 to enforce criminal statutes related to violations of inter-
22 nal revenue laws and other financial crimes, to purchase
23 (for police-type use, not to exceed 850) and hire of pas-
24 senger motor vehicles (31 U.S.C. 1343(b)), and to provide
25 other services as authorized by 5 U.S.C. 3109, at such

1 rates as may be determined by the Commissioner,
2 \$5,117,267,000, of which not less than \$57,252,000 shall
3 be for the Interagency Crime and Drug Enforcement pro-
4 gram: *Provided*, That up to \$10,000,000 may be trans-
5 ferred as necessary from this account to “Operations Sup-
6 port” solely for the purposes of the Interagency Crime and
7 Drug Enforcement program: *Provided further*, That this
8 transfer authority shall be in addition to any other trans-
9 fer authority provided in this Act.

10 OPERATIONS SUPPORT

11 For necessary expenses of the Internal Revenue Serv-
12 ice to support taxpayer services and enforcement pro-
13 grams, including rent payments; facilities services; print-
14 ing; postage; physical security; headquarters and other
15 IRS-wide administration activities; research and statistics
16 of income; telecommunications; information technology de-
17 velopment, enhancement, operations, maintenance, and se-
18 curity; the hire of passenger motor vehicles (31 U.S.C.
19 1343(b)); and other services as authorized by 5 U.S.C.
20 3109, at such rates as may be determined by the Commis-
21 sioner; \$3,833,127,000, of which up to \$75,000,000 shall
22 remain available until September 30, 2010, for informa-
23 tion technology support; of which not to exceed
24 \$1,000,000 shall remain available until September 30,
25 2011, for research; of which not less than \$2,000,000

1 shall be for the Internal Revenue Service Oversight Board;
2 and of which not to exceed \$25,000 shall be for official
3 reception and representation.

4 BUSINESS SYSTEMS MODERNIZATION

5 For necessary expenses of the Internal Revenue Serv-
6 ice's business systems modernization program,
7 \$222,664,000, to remain available until September 30,
8 2011, for the capital asset acquisition of information tech-
9 nology systems, including management and related con-
10 tractual costs of said acquisitions, including related Inter-
11 nal Revenue Service labor costs, and contractual costs as-
12 sociated with operations authorized by 5 U.S.C. 3109:
13 *Provided*, That, with the exception of labor costs, none of
14 these funds may be obligated until the Internal Revenue
15 Service submits to the Committees on Appropriations, and
16 such Committees approve, a plan for expenditure that: (1)
17 meets the capital planning and investment control review
18 requirements established by the Office of Management
19 and Budget, including Circular A-11; (2) complies with
20 the Internal Revenue Service's enterprise architecture, in-
21 cluding the modernization blueprint; (3) conforms with the
22 Internal Revenue Service's enterprise life cycle method-
23 ology; (4) is approved by the Internal Revenue Service,
24 the Department of the Treasury, and the Office of Man-
25 agement and Budget; (5) has been reviewed by the Gov-

1 ernment Accountability Office; and (6) complies with the
2 acquisition rules, requirements, guidelines, and systems
3 acquisition management practices of the Federal Govern-
4 ment.

5 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

6 For expenses necessary to implement the health in-
7 surance tax credit included in the Trade Act of 2002
8 (Public Law 107–210), \$15,406,000.

9 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

10 SERVICE

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 101. Not to exceed 5 percent of any appropria-
13 tion made available in this Act to the Internal Revenue
14 Service or not to exceed 3 percent of appropriations under
15 the heading “Enforcement” may be transferred to any
16 other Internal Revenue Service appropriation upon the ad-
17 vance approval of the Committees on Appropriations.

18 SEC. 102. The Internal Revenue Service shall main-
19 tain a training program to ensure that Internal Revenue
20 Service employees are trained in taxpayers’ rights, in deal-
21 ing courteously with taxpayers, and in cross-cultural rela-
22 tions.

23 SEC. 103. The Internal Revenue Service shall insti-
24 tute and enforce policies and procedures that will safe-
25 guard the confidentiality of taxpayer information.

1 SEC. 104. Funds made available by this or any other
2 Act to the Internal Revenue Service shall be available for
3 improved facilities and increased staffing to provide suffi-
4 cient and effective 1–800 help line service for taxpayers.
5 The Commissioner shall continue to make the improve-
6 ment of the Internal Revenue Service 1–800 help line serv-
7 ice a priority and allocate resources necessary to increase
8 phone lines and staff to improve the Internal Revenue
9 Service 1–800 help line service.

10 SEC. 105. Of the funds made available by this Act
11 to the Internal Revenue Service, not less than
12 \$6,997,000,000 shall be available only for tax enforcement
13 and related support activities funded in Internal Revenue
14 Service “Enforcement” and “Operations Support” ac-
15 counts. In addition, of the funds made available by this
16 Act to the Internal Revenue Service, and subject to the
17 same terms and conditions, an additional \$490,000,000
18 shall be available for enhanced tax enforcement and re-
19 lated support activities. Not to exceed 1 percent of the
20 funds made available by this Act to the Internal Revenue
21 Service “Operations Support” account, for tax enforce-
22 ment related support activities, may be transferred to tax-
23 payer service related support activities upon the advance
24 notification of the Committees on Appropriations.

SEC. 107. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

HR 7323 RH

1 work, and Bureau of the Public Debt, may be transferred
2 between such appropriations upon the advance approval
3 of the Committees on Appropriations: *Provided*, That no
4 transfer may increase or decrease any such appropriation
5 by more than 2 percent.

6 SEC. 109. Not to exceed 2 percent of any appropria-
7 tion made available in this Act to the Internal Revenue
8 Service may be transferred to the Treasury Inspector Gen-
9 eral for Tax Administration's appropriation upon the ad-
10 vance approval of the Committees on Appropriations: *Pro-*
11 *vided*, That no transfer may increase or decrease any such
12 appropriation by more than 2 percent.

13 SEC. 110. Of the funds available for the purchase of
14 law enforcement vehicles, no funds may be obligated until
15 the Secretary of the Treasury certifies that the purchase
16 by the respective Treasury bureau is consistent with de-
17 partmental vehicle management principles: *Provided*, That
18 the Secretary may delegate this authority to the Assistant
19 Secretary for Management.

20 SEC. 111. None of the funds appropriated in this Act
21 or otherwise available to the Department of the Treasury
22 or the Bureau of Engraving and Printing may be used
23 to redesign the \$1 Federal Reserve note.

24 SEC. 112. The Secretary of the Treasury may trans-
25 fer funds from Financial Management Service, Salaries

1 and Expenses to the Debt Collection Fund as necessary
2 to cover the costs of debt collection: *Provided*, That such
3 amounts shall be reimbursed to such salaries and expenses
4 account from debt collections received in the Debt Collec-
5 tion Fund.

6 SEC. 113. Section 122(g)(1) of Public Law 105–119
7 (5 U.S.C. 3104 note), is further amended by striking “10
8 years” and inserting “11 years”.

9 SEC. 114. None of the funds appropriated or other-
10 wise made available by this or any other Act may be used
11 by the United States Mint to construct or operate any mu-
12 seum without the explicit approval of the Committees on
13 Appropriations of the House of Representatives and the
14 Senate, the House Committee on Financial Services, and
15 the Senate Committee on Banking, Housing, and Urban
16 Affairs.

17 SEC. 115. None of the funds appropriated or other-
18 wise made available by this or any other Act or source
19 to the Department of the Treasury, the Bureau of Engrav-
20 ing and Printing, and the United States Mint, individually
21 or collectively, may be used to consolidate any or all func-
22 tions of the Bureau of Engraving and Printing and the
23 United States Mint without the explicit approval of the
24 House Committee on Financial Services; the Senate Com-
25 mittee on Banking, Housing, and Urban Affairs; the

1 House Committee on Appropriations; and the Senate
2 Committee on Appropriations.

3 SEC. 116. Funds appropriated by this Act, or made
4 available by the transfer of funds in this Act, for the De-
5 partment of the Treasury's intelligence or intelligence re-
6 lated activities are deemed to be specifically authorized by
7 the Congress for purposes of section 504 of the National
8 Security Act of 1947 (50 U.S.C. 414) during fiscal year
9 2009 until the enactment of the Intelligence Authorization
10 Act for Fiscal Year 2009.

11 This title may be cited as the "Department of the
12 Treasury Appropriations Act, 2009".

13 TITLE II

14 EXECUTIVE OFFICE OF THE PRESIDENT AND

15 FUNDS APPROPRIATED TO THE PRESIDENT

16 COMPENSATION OF THE PRESIDENT

17 For compensation of the President, including an ex-
18 pense allowance at the rate of \$50,000 per annum as au-
19 thorized by 3 U.S.C. 102, \$450,000: *Provided*, That none
20 of the funds made available for official expenses shall be
21 expended for any other purpose and any unused amount
22 shall revert to the Treasury pursuant to section 1552 of
23 title 31, United States Code.

1 WHITE HOUSE OFFICE
2 SALARIES AND EXPENSES

3 For necessary expenses for the White House as au-
4 thorized by law, including not to exceed \$3,850,000 for
5 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
6 subsistence expenses as authorized by 3 U.S.C. 105, which
7 shall be expended and accounted for as provided in that
8 section; hire of passenger motor vehicles, newspapers,
9 periodicals, teletype news service, and travel (not to exceed
10 \$100,000 to be expended and accounted for as provided
11 by 3 U.S.C. 103); and not to exceed \$19,000 for official
12 entertainment expenses, to be available for allocation with-
13 in the Executive Office of the President; \$53,899,000, of
14 which \$1,400,000 shall be for the Office of National AIDS
15 Policy.

16 EXECUTIVE RESIDENCE AT THE WHITE HOUSE
17 OPERATING EXPENSES

18 For the care, maintenance, repair and alteration, re-
19 furnishing, improvement, heating, and lighting, including
20 electric power and fixtures, of the Executive Residence at
21 the White House and official entertainment expenses of
22 the President, \$13,363,000, to be expended and accounted
23 for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

1
2 For the reimbursable expenses of the Executive Resi-
3 dence at the White House, such sums as may be nec-
4 essary: *Provided*, That all reimbursable operating expenses
5 of the Executive Residence shall be made in accordance
6 with the provisions of this paragraph: *Provided further*,
7 That, notwithstanding any other provision of law, such
8 amount for reimbursable operating expenses shall be the
9 exclusive authority of the Executive Residence to incur ob-
10 ligations and to receive offsetting collections, for such ex-
11 penses: *Provided further*, That the Executive Residence
12 shall require each person sponsoring a reimbursable polit-
13 ical event to pay in advance an amount equal to the esti-
14 mated cost of the event, and all such advance payments
15 shall be credited to this account and remain available until
16 expended: *Provided further*, That the Executive Residence
17 shall require the national committee of the political party
18 of the President to maintain on deposit \$25,000, to be
19 separately accounted for and available for expenses relat-
20 ing to reimbursable political events sponsored by such
21 committee during such fiscal year: *Provided further*, That
22 the Executive Residence shall ensure that a written notice
23 of any amount owed for a reimbursable operating expense
24 under this paragraph is submitted to the person owing
25 such amount within 60 days after such expense is in-

1 curred, and that such amount is collected within 30 days
2 after the submission of such notice: *Provided further*, That
3 the Executive Residence shall charge interest and assess
4 penalties and other charges on any such amount that is
5 not reimbursed within such 30 days, in accordance with
6 the interest and penalty provisions applicable to an out-
7 standing debt on a United States Government claim under
8 section 3717 of title 31, United States Code: *Provided fur-*
9 *ther*, That each such amount that is reimbursed, and any
10 accompanying interest and charges, shall be deposited in
11 the Treasury as miscellaneous receipts: *Provided further*,
12 That the Executive Residence shall prepare and submit
13 to the Committees on Appropriations, by not later than
14 90 days after the end of the fiscal year covered by this
15 Act, a report setting forth the reimbursable operating ex-
16 penses of the Executive Residence during the preceding
17 fiscal year, including the total amount of such expenses,
18 the amount of such total that consists of reimbursable offi-
19 cial and ceremonial events, the amount of such total that
20 consists of reimbursable political events, and the portion
21 of each such amount that has been reimbursed as of the
22 date of the report: *Provided further*, That the Executive
23 Residence shall maintain a system for the tracking of ex-
24 penses related to reimbursable events within the Executive
25 Residence that includes a standard for the classification

1 of any such expense as political or nonpolitical: *Provided*
2 *further*, That no provision of this paragraph may be con-
3 strued to exempt the Executive Residence from any other
4 applicable requirement of subchapter I or II of chapter
5 37 of title 31, United States Code.

6 WHITE HOUSE REPAIR AND RESTORATION

7 For the repair, alteration, and improvement of the
8 Executive Residence at the White House, \$1,600,000, to
9 remain available until expended, for required maintenance,
10 safety and health issues, and continued preventative main-
11 tenance.

12 COUNCIL OF ECONOMIC ADVISERS

13 SALARIES AND EXPENSES

14 For necessary expenses of the Council of Economic
15 Advisers in carrying out its functions under the Employ-
16 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,118,000.

17 OFFICE OF POLICY DEVELOPMENT

18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of Policy Devel-
20 opment, including services as authorized by 5 U.S.C. 3109
21 and 3 U.S.C. 107, \$3,550,000.

1 NATIONAL SECURITY COUNCIL

2 SALARIES AND EXPENSES

3 For necessary expenses of the National Security
4 Council, including services as authorized by 5 U.S.C.
5 3109, \$9,029,000.

6 OFFICE OF ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Administra-
9 tion, including services as authorized by 5 U.S.C. 3109
10 and 3 U.S.C. 107, and hire of passenger motor vehicles,
11 \$95,633,000, of which \$11,923,000 shall remain available
12 until expended for continued modernization of the infor-
13 mation technology infrastructure within the Executive Of-
14 fice of the President.

15 OFFICE OF MANAGEMENT AND BUDGET

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of Management
18 and Budget, including hire of passenger motor vehicles
19 and services as authorized by 5 U.S.C. 3109 and to carry
20 out the provisions of chapter 35 of title 44, United States
21 Code, \$79,972,000, of which not to exceed \$3,000 shall
22 be available for official representation expenses: *Provided*,
23 That none of the funds appropriated in this Act for the
24 Office of Management and Budget may be used for the
25 purpose of reviewing any agricultural marketing orders or

1 any activities or regulations under the provisions of the
2 Agricultural Marketing Agreement Act of 1937 (7 U.S.C.
3 601 et seq.): *Provided further*, That none of the funds
4 made available for the Office of Management and Budget
5 by this Act may be expended for the altering of the tran-
6 script of actual testimony of witnesses, except for testi-
7 mony of officials of the Office of Management and Budget,
8 before the Committees on Appropriations or their sub-
9 committees: *Provided further*, That none of the funds pro-
10 vided in this or prior Acts shall be used, directly or indi-
11 rectly, by the Office of Management and Budget, for eval-
12 uating or determining if water resource project or study
13 reports submitted by the Chief of Engineers acting
14 through the Secretary of the Army are in compliance with
15 all applicable laws, regulations, and requirements relevant
16 to the Civil Works water resource planning process: *Pro-*
17 *vided further*, That the Office of Management and Budget
18 shall have not more than 60 days in which to perform
19 budgetary policy reviews of water resource matters on
20 which the Chief of Engineers has reported: *Provided fur-*
21 *ther*, That the Director of the Office of Management and
22 Budget shall notify the appropriate authorizing and ap-
23 propriating committees when the 60-day review is initi-
24 ated: *Provided further*, That if water resource reports have
25 not been transmitted to the appropriate authorizing and

1 appropriating committees within 15 days after the end of
2 the Office of Management and Budget review period based
3 on the notification from the Director, Congress shall as-
4 sume Office of Management and Budget concurrence with
5 the report and act accordingly.

6 OFFICE OF NATIONAL DRUG CONTROL POLICY

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of National
9 Drug Control Policy; for research activities pursuant to
10 the Office of National Drug Control Policy Reauthoriza-
11 tion Act of 2006 (Public Law 109–469); not to exceed
12 \$10,000 for official reception and representation expenses;
13 and for participation in joint projects or in the provision
14 of services on matters of mutual interest with nonprofit,
15 research, or public organizations or agencies, with or with-
16 out reimbursement, \$26,011,000; of which \$500,000 shall
17 remain available until expended for policy research and
18 evaluation: *Provided*, That the Office is authorized to ac-
19 cept, hold, administer, and utilize gifts, both real and per-
20 sonal, public and private, without fiscal year limitation,
21 for the purpose of aiding or facilitating the work of the
22 Office.

1 COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for the Counterdrug Tech-
4 nology Assessment Center for research activities pursuant
5 to the Office of National Drug Control Policy Reauthor-
6 ization Act of 2006 (Public Law 109–469), \$1,000,000,
7 which shall remain available until expended for counter-
8 narcotics research and development projects: *Provided*,
9 That such amount shall be available for transfer to other
10 Federal departments or agencies: *Provided further*, That
11 the Office of National Drug Control Policy shall submit
12 for approval by the Committees on Appropriations of the
13 House of Representatives and the Senate a spending plan
14 for the use of these funds no later than 90 days after the
15 enactment of this Act.

16 FEDERAL DRUG CONTROL PROGRAMS

17 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

18 (INCLUDING TRANSFERS OF FUNDS)

19 For necessary expenses of the Office of National
20 Drug Control Policy's High Intensity Drug Trafficking
21 Areas Program, \$230,000,000, to remain available until
22 September 30, 2010, for drug control activities consistent
23 with the approved strategy for each of the designated
24 High Intensity Drug Trafficking Areas, of which no less
25 than 51 percent shall be transferred to State and local

1 entities for drug control activities, which shall be obligated
2 within 120 days after the enactment of this Act: *Provided*,
3 That up to 49 percent may be transferred to Federal
4 agencies and departments at a rate to be determined by
5 the Director, of which up to \$2,100,000 may be used for
6 auditing services and associated activities, and up to
7 \$250,000 of the \$2,100,000 shall be used to measure the
8 performance of the High Intensity Drug Trafficking Areas
9 Program: *Provided further*, That High Intensity Drug
10 Trafficking Areas Programs designated as of September
11 30, 2008, shall be funded at no less than the fiscal year
12 2008 initial allocation levels (as revised by the letter from
13 the Director of the Office of National Drug Control Policy
14 to the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate dated April 8, 2008) or
16 \$3,000,000, whichever is greater, unless the Director sub-
17 mits to the Committees on Appropriations of the House
18 of Representatives and the Senate, and the Committees
19 approve, justification for changes in those levels based on
20 clearly articulated priorities for the High Intensity Drug
21 Trafficking Areas Programs, as well as published Office
22 of National Drug Control Policy performance measures of
23 effectiveness: *Provided further*, That no High Intensity
24 Drug Trafficking Area shall receive more than
25 \$47,457,447 as its fiscal year 2009 initial allocation level:

1 *Provided further*, That, notwithstanding the requirements
 2 of Public Law 106–58, any unexpended funds obligated
 3 prior to fiscal year 2007 for programs addressing the
 4 treatment or prevention of drug use as part of the ap-
 5 proved strategy for a designated High Intensity Drug
 6 Trafficking Area may be used for other approved activities
 7 of that High Intensity Drug Trafficking Area: *Provided*
 8 *further*, That the Office of National Drug Control Policy
 9 shall submit recommendations for approval to the Com-
 10 mittees on Appropriations for both the High Intensity
 11 Drug Trafficking Area initial allocation funding within 90
 12 days after the enactment of this Act and the High Inten-
 13 sity Drug Trafficking Area discretionary funding within
 14 120 days after the enactment of this Act: *Provided further*,
 15 That within the discretionary funding amount, plans for
 16 use of such funds shall be subject to approval by the Com-
 17 mittees on Appropriations.

18 OTHER FEDERAL DRUG CONTROL PROGRAMS

19 (INCLUDING TRANSFER OF FUNDS)

20 For activities to support a national anti-drug cam-
 21 paign for youth, and for other purposes, authorized by the
 22 Office of National Drug Control Policy Reauthorization
 23 Act of 2006 (Public Law 109–469), \$165,000,000, to re-
 24 main available until expended, of which the amounts are
 25 available as follows: \$60,000,000 to support a national

1 media campaign: *Provided*, That the Office of National
2 Drug Control Policy shall maintain funding for non-adver-
3 tising services for the media campaign at no less than the
4 fiscal year 2003 ratio of service funding to total funds and
5 shall continue the corporate outreach program as it oper-
6 ated prior to its cancellation; \$90,000,000 to continue a
7 program of matching grants to drug-free communities, of
8 which \$2,000,000 shall be made available as directed by
9 section 4 of Public Law 107–82, as amended by Public
10 Law 109–469 (21 U.S.C. 1521 note); \$1,500,000 for
11 training and technical assistance for drug court profes-
12 sionals; \$10,100,000 for the United States Anti-Doping
13 Agency for anti-doping activities; \$1,900,000 for the
14 United States membership dues to the World Anti-Doping
15 Agency; \$1,250,000 for the National Alliance for Model
16 State Drug Laws; and \$250,000 for evaluations and re-
17 search related to National Drug Control Program per-
18 formance measures: *Provided further*, That such funds
19 may be transferred to other Federal departments and
20 agencies to carry out such activities: *Provided further*,
21 That of the amounts appropriated for a national media
22 campaign, not to exceed 10 percent shall be for adminis-
23 tration, advertising production, research and testing,
24 labor, and related costs of the national media campaign.

1 UNANTICIPATED NEEDS

2 For expenses necessary to enable the President to
3 meet unanticipated needs, in furtherance of the national
4 interest, security, or defense which may arise at home or
5 abroad during the current fiscal year, as authorized by
6 3 U.S.C. 108, \$1,000,000, to remain available until ex-
7 pended.

8 PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT
9 (INCLUDING TRANSFER OF FUNDS)

10 For expenses of the Office of Administration to carry
11 out the Presidential Transition Act of 1963 and similar
12 expenses, in addition to amounts otherwise appropriated
13 by law, \$8,000,000; *Provided*, That such funds may be
14 transferred to other accounts that provide funding for of-
15 fices within the Executive Office of the President and the
16 Office of the Vice President in this Act or any other Act,
17 to carry out such purposes.

18 SPECIAL ASSISTANCE TO THE PRESIDENT

19 SALARIES AND EXPENSES

20 For necessary expenses to enable the Vice President
21 to provide assistance to the President in connection with
22 specially assigned functions; services as authorized by 5
23 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
24 penses as authorized by 3 U.S.C. 106, which shall be ex-

1 pended and accounted for as provided in that section; and
2 hire of passenger motor vehicles, \$4,496,000.

3 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

4 OPERATING EXPENSES

5 (INCLUDING TRANSFER OF FUNDS)

6 For the care, operation, refurnishing, improvement,
7 and to the extent not otherwise provided for, heating and
8 lighting, including electric power and fixtures, of the offi-
9 cial residence of the Vice President; the hire of passenger
10 motor vehicles; and not to exceed \$90,000 for official en-
11 tertainment expenses of the Vice President, to be ac-
12 counted for solely on his certificate, \$323,000: *Provided*,
13 That advances or repayments or transfers from this ap-
14 propriation may be made to any department or agency for
15 expenses of carrying out such activities.

16 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
17 THE PRESIDENT AND FUNDS APPROPRIATED TO
18 THE PRESIDENT

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 201. From funds made available in this Act
21 under the headings “White House Office”, “Executive
22 Residence at the White House”, “White House Repair and
23 Restoration”, “Council of Economic Advisors”, “National
24 Security Council”, “Office of Administration”, “Office of
25 Policy Development”, “Special Assistance to the Presi-

1 dent”, and “Official Residence of the Vice President”, the
2 Director of the Office of Management and Budget (or
3 such other officer as the President may designate in writ-
4 ing), may, 15 days after giving notice to the Committees
5 on Appropriations of the House of Representatives and the
6 Senate, transfer not to exceed 10 percent of any such ap-
7 propriation to any other such appropriation, to be merged
8 with and available for the same time and for the same
9 purposes as the appropriation to which transferred: *Pro-*
10 *vided*, That the amount of an appropriation shall not be
11 increased by more than 50 percent by such transfers: *Pro-*
12 *vided further*, That no amount shall be transferred from
13 “Special Assistance to the President” or “Official Resi-
14 dence of the Vice President” without the approval of the
15 Vice President.

16 SEC. 202. The President shall submit to the Commit-
17 tees on Appropriations of the House of Representatives
18 and the Senate not later than 60 days after enactment
19 of this Act, and prior to the initial obligation of funds ap-
20 propriated under the heading “Office of National Drug
21 Control Policy”, a financial plan on the proposed uses of
22 all funds under the heading by program, project, and ac-
23 tivity, for which the obligation of funds is anticipated: *Pro-*
24 *vided*, That up to 20 percent of funds appropriated under
25 this heading may be obligated before the submission of

1 the report subject to prior approval of the Committees on
2 Appropriations: *Provided further*, That the report shall be
3 updated and submitted to the Committees on Appropria-
4 tions every 6 months and shall include information detail-
5 ing how the estimates and assumptions contained in pre-
6 vious reports have changed: *Provided further*, That any
7 new projects and changes in funding of ongoing projects
8 shall be subject to the prior approval of the Committees
9 on Appropriations.

10 This title may be cited as the “Executive Office of
11 the President Appropriations Act, 2009”.

12 TITLE III

13 THE JUDICIARY

14 SUPREME COURT OF THE UNITED STATES

15 SALARIES AND EXPENSES

16 For expenses necessary for the operation of the Su-
17 preme Court, as required by law, excluding care of the
18 building and grounds, including purchase or hire, driving,
19 maintenance, and operation of an automobile for the Chief
20 Justice, not to exceed \$10,000 for the purpose of trans-
21 porting Associate Justices, and hire of passenger motor
22 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
23 to exceed \$10,000 for official reception and representation
24 expenses; and for miscellaneous expenses, to be expended

1 as the Chief Justice may approve, \$69,777,000, of which
2 \$2,000,000 shall remain available until expended.

3 CARE OF THE BUILDING AND GROUNDS

4 For such expenditures as may be necessary to enable
5 the Architect of the Capitol to carry out the duties im-
6 posed upon the Architect by the Act approved May 7,
7 1934 (40 U.S.C. 13a–13b), \$18,447,000, which shall re-
8 main available until expended.

9 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
10 CIRCUIT

11 SALARIES AND EXPENSES

12 For salaries of the chief judge, judges, and other offi-
13 cers and employees, and for necessary expenses of the
14 court, as authorized by law, \$30,384,000.

15 UNITED STATES COURT OF INTERNATIONAL TRADE

16 SALARIES AND EXPENSES

17 For salaries of the chief judge and eight judges, sala-
18 ries of the officers and employees of the court, services,
19 and necessary expenses of the court, as authorized by law,
20 \$19,590,000.

21 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

22 JUDICIAL SERVICES

23 SALARIES AND EXPENSES

24 For the salaries of circuit and district judges (includ-
25 ing judges of the territorial courts of the United States),

1 justices and judges retired from office or from regular ac-
2 tive service, judges of the United States Court of Federal
3 Claims, bankruptcy judges, magistrate judges, and all
4 other officers and employees of the Federal Judiciary not
5 otherwise specifically provided for, and necessary expenses
6 of the courts, as authorized by law, \$4,830,060,000 (in-
7 cluding the purchase of firearms and ammunition); of
8 which not to exceed \$27,817,000 shall remain available
9 until expended for space alteration projects and for fur-
10 niture and furnishings related to new space alteration and
11 construction projects.

12 In addition, for expenses of the United States Court
13 of Federal Claims associated with processing cases under
14 the National Childhood Vaccine Injury Act of 1986 (Pub-
15 lic Law 99–660), not to exceed \$4,253,000, to be appro-
16 priated from the Vaccine Injury Compensation Trust
17 Fund.

18 DEFENDER SERVICES

19 For the operation of Federal Defender organizations;
20 the compensation and reimbursement of expenses of attor-
21 neys appointed to represent persons under section 3006A
22 of title 18, United States Code, and also under section
23 3599 of title 18, United States Code, in cases in which
24 a defendant is charged with a crime that may be punish-
25 able by death; the compensation and reimbursement of ex-

1 penses of persons furnishing investigative, expert, and
2 other services under section 3006A(e) of title 18, United
3 States Code, and also under section 3599(f) and (g)(2)
4 of title 18, United States Code, in cases in which a defend-
5 ant is charged with a crime that may be punishable by
6 death; the compensation (in accordance with the maxi-
7 mums under section 3006A of title 18, United States
8 Code) and reimbursement of expenses of attorneys ap-
9 pointed to assist the court in criminal cases where the de-
10 fendant has waived representation by counsel; the com-
11 pensation and reimbursement of travel expenses of guard-
12 ians ad litem acting on behalf of financially eligible minor
13 or incompetent offenders in connection with transfers
14 from the United States to foreign countries with which
15 the United States has a treaty for the execution of penal
16 sentences; the compensation and reimbursement of ex-
17 penses of attorneys appointed to represent jurors in civil
18 actions for the protection of their employment, as author-
19 ized by 28 U.S.C. 1875(d); the compensation and reim-
20 bursement of expenses of attorneys appointed under 18
21 U.S.C. 983(b)(1) in connection with certain judicial civil
22 forfeiture proceedings; and for necessary training and gen-
23 eral administrative expenses, \$862,977,000, to remain
24 available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$62,206,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702),

1 \$430,004,000, of which not to exceed \$15,000,000 shall
2 remain available until expended, to be expended directly
3 or transferred to the United States Marshals Service,
4 which shall be responsible for administering the Judicial
5 Facility Security Program consistent with standards or
6 guidelines agreed to by the Director of the Administrative
7 Office of the United States Courts and the Attorney Gen-
8 eral.

9 ADMINISTRATIVE OFFICE OF THE UNITED STATES

10 COURTS

11 SALARIES AND EXPENSES

12 For necessary expenses of the Administrative Office
13 of the United States Courts as authorized by law, includ-
14 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
15 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
16 advertising and rent in the District of Columbia and else-
17 where, \$79,049,000, of which not to exceed \$8,500 is au-
18 thorized for official reception and representation expenses.

19 FEDERAL JUDICIAL CENTER

20 SALARIES AND EXPENSES

21 For necessary expenses of the Federal Judicial Cen-
22 ter, as authorized by Public Law 90-219, \$25,725,000;
23 of which \$1,800,000 shall remain available through Sep-
24 tember 30, 2010, to provide education and training to
25 Federal court personnel; and of which not to exceed

1 \$1,500 is authorized for official reception and representa-
 2 tion expenses.

3 JUDICIAL RETIREMENT FUNDS

4 PAYMENT TO JUDICIARY TRUST FUNDS

5 For payment to the Judicial Officers' Retirement
 6 Fund, as authorized by 28 U.S.C. 377(o), \$65,340,000;
 7 to the Judicial Survivors' Annuities Fund, as authorized
 8 by 28 U.S.C. 376(c), \$6,600,000; and to the United
 9 States Court of Federal Claims Judges' Retirement Fund,
 10 as authorized by 28 U.S.C. 178(l), \$4,200,000.

11 UNITED STATES SENTENCING COMMISSION

12 SALARIES AND EXPENSES

13 For the salaries and expenses necessary to carry out
 14 the provisions of chapter 58 of title 28, United States
 15 Code, \$16,225,000, of which not to exceed \$1,000 is au-
 16 thorized for official reception and representation expenses.

17 ADMINISTRATIVE PROVISIONS—THE JUDICIARY

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 301. Appropriations and authorizations made in
 20 this title which are available for salaries and expenses shall
 21 be available for services as authorized by 5 U.S.C. 3109.

22 SEC. 302. Not to exceed 5 percent of any appropria-
 23 tion made available for the current fiscal year for the Judi-
 24 ciary in this Act may be transferred between such appro-
 25 priations, but no such appropriation, except "Courts of

1 Appeals, District Courts, and Other Judicial Services, De-
2 fender Services” and “Courts of Appeals, District Courts,
3 and Other Judicial Services, Fees of Jurors and Commis-
4 sioners”, shall be increased by more than 10 percent by
5 any such transfers: *Provided*, That any transfer pursuant
6 to this section shall be treated as a reprogramming of
7 funds under sections 604 and 608 of this Act and shall
8 not be available for obligation or expenditure except in
9 compliance with the procedures set forth in section 608.

10 SEC. 303. Notwithstanding any other provision of
11 law, the salaries and expenses appropriation for “Courts
12 of Appeals, District Courts, and Other Judicial Services”
13 shall be available for official reception and representation
14 expenses of the Judicial Conference of the United States:
15 *Provided*, That such available funds shall not exceed
16 \$11,000 and shall be administered by the Director of the
17 Administrative Office of the United States Courts in the
18 capacity as Secretary of the Judicial Conference.

19 SEC. 304. Within 90 days after the date of the enact-
20 ment of this Act, the Administrative Office of the U.S.
21 Courts shall submit to the Committees on Appropriations
22 a comprehensive financial plan for the Judiciary allocating
23 all sources of available funds including appropriations, fee
24 collections, and carryover balances, to include a separate

1 and detailed plan for the Judiciary Information Tech-
2 nology Fund.

3 SEC. 305. Section 3314(a) of title 40, United States
4 Code, shall be applied by substituting “Federal” for “exec-
5 utive” each place it appears.

6 SEC. 306. In accordance with 28 U.S.C. 561–569,
7 and notwithstanding any other provision of law, the
8 United States Marshals Service shall provide, for such
9 courthouses as its Director may designate in consultation
10 with the Director of the Administrative Office of the
11 United States Courts, for purposes of a pilot program, the
12 security services that 40 U.S.C. 1315 authorizes the De-
13 partment of Homeland Security to provide, except for the
14 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
15 ing-specific security services at these courthouses, the Di-
16 rector of the Administrative Office of the United States
17 Courts shall reimburse the United States Marshals Service
18 rather than the Department of Homeland Security.

19 SEC. 307. (a) IN GENERAL.—Section 604(a)(5) of
20 title 28, United States Code, is amended striking “mag-
21 istrate judges appointed under section 631 of this title,”
22 and inserting the following: “, United States magistrate
23 judges, bankruptcy judges appointed under chapter 6 of
24 this title, judges of the District Court of Guam, judges
25 of the District Court for the Northern Mariana Islands,

1 judges of the District Court of the Virgin Islands, bank-
2 ruptcy judges and magistrate judges retired under section
3 377 of this title, and judges retired under section 373 of
4 this title, who are”.

5 (b) CONSTRUCTION.—For purposes of construing
6 and applying chapter 87 of title 5, United States Code,
7 including any adjustment of insurance rates by regulation
8 or otherwise, the following categories of judicial officers
9 shall be deemed to be judges of the United States as de-
10 scribed under section 8701 of title 5, United States Code:

11 (1) Bankruptcy judges appointed under chapter
12 6 of title 28, United States Code.

13 (2) Territorial district court judges appointed
14 under section 24 of the Organic Act of Guam (48
15 U.S.C. 1424b), section 1(b) of the Act of November
16 8, 1977 (48 U.S.C. 1821), or section 24(a) of the
17 Revised Organic Act of the Virgin Islands (48
18 U.S.C. 1614(a)).

19 (3) Bankruptcy judges retired under section
20 377 of title 28, United States Code.

21 (4) Judges retired under section 373 of title 28,
22 United States Code.

23 (c) EFFECTIVE DATE.—Subsection (b) and the
24 amendment made by subsection (a) shall apply with re-
25 spect to any payment made on or after the first day of

1 the first applicable pay period beginning on or after the
2 date of enactment of Public Law 110–177.

3 SEC. 308. Subsection (c) of section 407 of the Trans-
4 portation, Treasury, Housing and Urban Development,
5 the Judiciary, the District of Columbia, and Independent
6 Agencies Appropriations Act, 2006 (division A, title IV,
7 of Public Law 109–115; 119 Stat. 2396, 2471) is re-
8 pealed.

9 SEC. 309. Section 3672 of title 18, United States
10 Code, is amended in the fourth sentence in the seventh
11 undesignated paragraph—(1) by inserting “to expend
12 funds or” after “He shall also have the authority”; and
13 (2) by striking “this Act” and inserting “this paragraph”.

14 SEC. 310. Section 203(c) of the Judicial Improve-
15 ments Act of 1990 (Public Law 101–650; 28 U.S.C. 133
16 note), is amended—

17 (1) in the third sentence (relating to the district
18 of Kansas), by striking “17 years” and inserting
19 “21 years”; and

20 (2) in the sixth sentence (relating to the north-
21 ern district of Ohio), by striking “17 years” and in-
22 serting “21 years”.

23 This title may be cited as the “Judiciary Appropria-
24 tions Act, 2009”.

1 TITLE IV
2 DISTRICT OF COLUMBIA
3 FEDERAL FUNDS
4 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT
5 For a Federal payment to the District of Columbia,
6 to be deposited into a dedicated account, for a nationwide
7 program to be administered by the Mayor, for District of
8 Columbia resident tuition support, \$35,100,000, to remain
9 available until expended: *Provided*, That such funds, in-
10 cluding any interest accrued thereon, may be used on be-
11 half of eligible District of Columbia residents to pay an
12 amount based upon the difference between in-State and
13 out-of-State tuition at public institutions of higher edu-
14 cation, or to pay up to \$2,500 each year at eligible private
15 institutions of higher education: *Provided further*, That the
16 awarding of such funds may be prioritized on the basis
17 of a resident's academic merit, the income and need of
18 eligible students and such other factors as may be author-
19 ized: *Provided further*, That the District of Columbia gov-
20 ernment shall maintain a dedicated account for the Resi-
21 dent Tuition Support Program that shall consist of the
22 Federal funds appropriated to the Program in this Act
23 and any subsequent appropriations, any unobligated bal-
24 ances from prior fiscal years, and any interest earned in
25 this or any fiscal year: *Provided further*, That the account

1 shall be under the control of the District of Columbia
2 Chief Financial Officer, who shall use those funds solely
3 for the purposes of carrying out the Resident Tuition Sup-
4 port Program: *Provided further*, That the Office of the
5 Chief Financial Officer shall provide a quarterly financial
6 report to the Committees on Appropriations of the House
7 of Representatives and Senate for these funds showing,
8 by object class, the expenditures made and the purpose
9 therefor.

10 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
11 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

12 For a Federal payment of necessary expenses, as de-
13 termined by the Mayor of the District of Columbia in writ-
14 ten consultation with the elected county or city officials
15 of surrounding jurisdictions, \$15,352,000, to remain
16 available until expended; of which \$15,000,000 is for the
17 costs of providing public safety at events related to the
18 presence of the national capital in the District of Colum-
19 bia, for support requested by the Director of the United
20 States Secret Service Division in carrying out protective
21 duties under the direction of the Secretary of Homeland
22 Security, and for the costs of providing support to respond
23 to immediate and specific terrorist threats or attacks in
24 the District of Columbia or surrounding jurisdictions; and

1 \$352,000 is for the District of Columbia National Guard
2 retention and college access program.

3 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

4 COURTS

5 For salaries and expenses for the District of Colum-
6 bia Courts, \$248,409,000 to be allocated as follows: for
7 the District of Columbia Court of Appeals, \$12,630,000,
8 of which not to exceed \$1,500 is for official reception and
9 representation expenses; for the District of Columbia Su-
10 perior Court, \$104,277,000, of which not to exceed \$1,500
11 is for official reception and representation expenses; for
12 the District of Columbia Court System, \$55,426,000, of
13 which not to exceed \$1,500 is for official reception and
14 representation expenses; and \$76,076,000, to remain
15 available until September 30, 2010, for capital improve-
16 ments for District of Columbia courthouse facilities, in-
17 cluding structural improvements to the District of Colum-
18 bia cell block at the Moultrie Courthouse: *Provided*, That
19 funds made available for capital improvements shall be ex-
20 pended consistent with the General Services Administra-
21 tion (GSA) master plan study and building evaluation re-
22 port: *Provided further*, That notwithstanding any other
23 provision of law, all amounts under this heading shall be
24 apportioned quarterly by the Office of Management and
25 Budget and obligated and expended in the same manner

1 as funds appropriated for salaries and expenses of other
2 Federal agencies, with payroll and financial services to be
3 provided on a contractual basis with the GSA, and such
4 services shall include the preparation of monthly financial
5 reports, copies of which shall be submitted directly by GSA
6 to the President and to the Committees on Appropriations
7 of the House of Representatives and the Senate, the Com-
8 mittee on Oversight and Government Reform of the House
9 of Representatives, and the Committee on Homeland Se-
10 curity and Governmental Affairs of the Senate: *Provided*
11 *further*, That 30 days after providing written notice to the
12 Committees on Appropriations of the House of Represent-
13 atives and the Senate, the District of Columbia Courts
14 may reallocate not more than \$1,000,000 of the funds pro-
15 vided under this heading among the items and entities
16 funded under this heading for operations, and not more
17 than 4 percent of the funds provided under this heading
18 for facilities.

19 DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

20 For payments authorized under section 11–2604 and
21 section 11–2605, D.C. Official Code (relating to represen-
22 tation provided under the District of Columbia Criminal
23 Justice Act), payments for counsel appointed in pro-
24 ceedings in the Family Court of the Superior Court of the
25 District of Columbia under chapter 23 of title 16, D.C.

1 Official Code, or pursuant to contractual agreements to
2 provide guardian ad litem representation, training, tech-
3 nical assistance, and such other services as are necessary
4 to improve the quality of guardian ad litem representation,
5 payments for counsel appointed in adoption proceedings
6 under chapter 3 of title 16, D.C. Code, and payments for
7 counsel authorized under section 21–2060, D.C. Official
8 Code (relating to representation provided under the Dis-
9 trict of Columbia Guardianship, Protective Proceedings,
10 and Durable Power of Attorney Act of 1986),
11 \$52,475,000, to remain available until expended: *Pro-*
12 *vided*, That the funds provided in this Act under the head-
13 ing “Federal Payment to the District of Columbia Courts”
14 (other than the \$76,076,000 provided under such heading
15 for capital improvements for District of Columbia court-
16 house facilities) may also be used for payments under this
17 heading: *Provided further*, That in addition to the funds
18 provided under this heading, the Joint Committee on Ju-
19 dicial Administration in the District of Columbia may use
20 funds provided in this Act under the heading “Federal
21 Payment to the District of Columbia Courts” (other than
22 the \$76,076,000 provided under such heading for capital
23 improvements for District of Columbia courthouse facili-
24 ties), to make payments described under this heading for
25 obligations incurred during any fiscal year: *Provided fur-*

1 *ther*, That funds provided under this heading shall be ad-
2 ministered by the Joint Committee on Judicial Adminis-
3 tration in the District of Columbia: *Provided further*, That
4 notwithstanding any other provision of law, this appro-
5 priation shall be apportioned quarterly by the Office of
6 Management and Budget and obligated and expended in
7 the same manner as funds appropriated for expenses of
8 other Federal agencies, with payroll and financial services
9 to be provided on a contractual basis with the General
10 Services Administration (GSA), and such services shall in-
11 clude the preparation of monthly financial reports, copies
12 of which shall be submitted directly by GSA to the Presi-
13 dent and to the Committees on Appropriations of the
14 House of Representatives and the Senate, the Committee
15 on Oversight and Government Reform of the House of
16 Representatives, and the Committee on Homeland Secu-
17 rity and Governmental Affairs of the Senate.

18 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
19 FENDER SUPERVISION AGENCY FOR THE DISTRICT
20 OF COLUMBIA

21 For salaries and expenses, including the transfer and
22 hire of motor vehicles, of the Court Services and Offender
23 Supervision Agency for the District of Columbia, as au-
24 thorized by the National Capital Revitalization and Self-
25 Government Improvement Act of 1997, \$202,490,000, of

1 which not to exceed \$2,000 is for official reception and
2 representation expenses related to Community Supervision
3 and Pretrial Services Agency programs; of which not to
4 exceed \$25,000 is for dues and assessments relating to
5 the implementation of the Court Services and Offender
6 Supervision Agency Interstate Supervision Act of 2002;
7 of which not to exceed \$400,000 for the Community Su-
8 pervision Program and \$160,000 for the Pretrial Services
9 Program, both to remain available until September 30,
10 2010, are for information technology infrastructure en-
11 hancement acquisitions; of which \$147,652,000 shall be
12 for necessary expenses of Community Supervision and Sex
13 Offender Registration, to include expenses relating to the
14 supervision of adults subject to protection orders or the
15 provision of services for or related to such persons; of
16 which \$54,838,000 shall be available to the Pretrial Serv-
17 ices Agency: *Provided*, That notwithstanding any other
18 provision of law, all amounts under this heading shall be
19 apportioned quarterly by the Office of Management and
20 Budget and obligated and expended in the same manner
21 as funds appropriated for salaries and expenses of other
22 Federal agencies: *Provided further*, That not less than
23 \$1,000,000 shall be available for re-entrant housing in the
24 District of Columbia: *Provided further*, That the Director
25 is authorized to accept and use gifts in the form of in-

1 kind contributions of space and hospitality to support of-
2 fender and defendant programs, and equipment and voca-
3 tional training services to educate and train offenders and
4 defendants: *Provided further*, That the Director shall keep
5 accurate and detailed records of the acceptance and use
6 of any gift or donation under the previous proviso, and
7 shall make such records available for audit and public in-
8 spection: *Provided further*, That the Court Services and
9 Offender Supervision Agency Director is authorized to ac-
10 cept and use reimbursement from the District of Columbia
11 Government for space and services provided on a cost re-
12 imbursable basis.

13 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

14 PUBLIC DEFENDER SERVICE

15 For salaries and expenses, including the transfer and
16 hire of motor vehicles, of the District of Columbia Public
17 Defender Service, as authorized by the National Capital
18 Revitalization and Self-Government Improvement Act of
19 1997, \$35,659,000, of which \$700,000 is to remain avail-
20 able until September 30, 2010: *Provided*, That notwith-
21 standing any other provision of law, all amounts under
22 this heading shall be apportioned quarterly by the Office
23 of Management and Budget and obligated and expended
24 in the same manner as funds appropriated for salaries and
25 expenses of Federal agencies. *Provided further*, That for

1 fiscal year 2009 and thereafter, the Public Defender Serv-
2 ice is authorized to charge fees to cover costs of materials
3 distributed and training provided to attendees of edu-
4 cational events, including conferences, sponsored by the
5 Public Defender Service, and notwithstanding 31 U.S.C.
6 3302, such fees shall be credited to this account, to be
7 available until expended without further appropriation.

8 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
9 WATER AND SEWER AUTHORITY

10 For a Federal payment to the District of Columbia
11 Water and Sewer Authority, \$14,000,000, to remain avail-
12 able until expended, to continue implementation of the
13 Combined Sewer Overflow Long-Term Plan: *Provided*,
14 That the District of Columbia Water and Sewer Authority
15 provides a 100 percent match for this payment.

16 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE
17 COORDINATING COUNCIL

18 For a Federal payment to the Criminal Justice Co-
19 ordinating Council, \$1,774,000, to remain available until
20 expended, to support initiatives related to the coordination
21 of Federal and local criminal justice resources in the Dis-
22 trict of Columbia.

1 FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF
2 FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

3 For a Federal payment to the Office of the Chief Fi-
4 nancial Officer of the District of Columbia, \$4,486,000
5 *Provided*, That each entity that receives funding under
6 this heading shall submit to the Office of the Chief Finan-
7 cial Officer of the District of Columbia (CFO) a report
8 on the activities to be carried out with such funds no later
9 than March 15, 2009, and the CFO shall submit a com-
10 prehensive report to the Committees on Appropriations of
11 the House of Representatives and the Senate no later than
12 June 1, 2009.

13 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

14 For a Federal payment for a school improvement pro-
15 gram in the District of Columbia, \$54,000,000, to be allo-
16 cated as follows: for the District of Columbia Public
17 Schools, \$21,200,000 to improve public school education
18 in the District of Columbia; for the State Education Of-
19 fice, \$18,000,000 to expand quality public charter schools
20 in the District of Columbia, to remain available until ex-
21 pended; for the Secretary of the Department of Education,
22 \$14,800,000 to provide opportunity scholarships for stu-
23 dents in the District of Columbia in accordance with divi-
24 sion C, title III of the District of Columbia Appropriations
25 Act, 2004 (Public Law 108–199; 118 Stat. 126), of which

1 up to \$1,000,000 may be used to administer and fund as-
2 sessments.

3 FEDERAL PAYMENT TO JUMP START PUBLIC SCHOOL
4 REFORM

5 For a Federal payment to jump start public school
6 reform in the District of Columbia, \$20,000,000, of which
7 \$3,500,000 is to support the recruitment, development
8 and training of principals and other school leaders;
9 \$7,000,000 is to develop optimal school programs and in-
10 tervene in low performing schools; \$7,500,000 is for a cus-
11 tomized data reporting and accountability system on stu-
12 dent performance as well as increased outreach and train-
13 ing for parents and community members; and \$2,000,000
14 is to support data reporting requirements associated with
15 the District of Columbia Public Schools teacher incentive
16 program: *Provided*, That up to \$500,000 or 10 percent,
17 whichever is less, of the amounts above may be transferred
18 as necessary from one activity to another activity: *Pro-*
19 *vided further*, That the Committees on Appropriations of
20 the House of Representatives and Senate are notified in
21 writing 15 days in advance of the transfer: *Provided fur-*
22 *ther*, That any amount provided under this heading shall
23 be available only after such amount has been apportioned
24 pursuant to chapter 15 of title 31, United States Code.

3 For a Federal payment to the District of Columbia,
4 \$21,000,000, to remain available until September 30,
5 2010, for costs associated with the construction of a con-
6 solidated bioterrorism and forensics laboratory: *Provided*,
7 That the District of Columbia provides a 100 percent
8 match for this payment.

11 For a Federal payment to the District of Columbia,
12 \$7,000,000, to remain available until expended, for the
13 Federal contribution for costs associated with the renova-
14 tion and rehabilitation of District libraries.

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (“General Fund”), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code, section 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Colum-

1 bia for fiscal year 2009 under this heading shall not ex-
2 ceed the lesser of the sum of the total revenues of the
3 District of Columbia for such fiscal year or
4 \$10,011,231,000 (of which \$6,203,795,000 shall be from
5 local funds, (including \$441,319,000 from dedicated
6 taxes) \$2,177,373,000 shall be from Federal grant funds,
7 \$1,623,754,000 shall be from other funds, and \$6,310,000
8 shall be from private funds), in addition, \$156,874,000
9 from funds previously appropriated in this Act as Federal
10 payments: *Provided further*, That of the local funds, such
11 amounts as may be necessary may be derived from the
12 District's General Fund balance: *Provided further*, That
13 of these funds the District's intradistrict authority shall
14 be \$725,461,000: in addition For capital construction
15 projects, an increase of \$1,482,977,000, of which
16 \$1,121,734,000 shall be from local funds, \$60,708,000
17 from the District of Columbia Highway Trust fund,
18 \$107,794,000 from the Local Street Maintenance fund,
19 \$192,741,000 from Federal grant funds, and a rescission
20 of \$353,447,000 from local funds and a rescission of
21 \$37,500,000 from Local Street Maintenance funds appro-
22 priated under this heading in prior fiscal years for a net
23 amount of \$1,092,030,000, to remain available until ex-
24 pended: *Provided further*, That the amounts provided
25 under this heading are to be available, allocated and ex-

1 pended as proposed under “Title III—District of Colum-
2 bia Funds Division of Expenses” of the Fiscal Year 2009
3 Proposed Budget and Financial Plan submitted to the
4 Congress of the United States by the District of Columbia
5 on June 09, 2008 and such title is hereby incorporated
6 by reference as though set forth fully herein. *Provided fur-*
7 *ther*, That this amount may be increased by proceeds of
8 one-time transactions, which are expended for emergency
9 or unanticipated operating or capital needs: *Provided fur-*
10 *ther*, That such increases shall be approved by enactment
11 of local District law and shall comply with all reserve re-
12 quirements contained in the District of Columbia Home
13 Rule Act approved December 24, 1973 (87 Stat. 777;
14 D.C. Official Code §1–201.01 et seq.): *Provided further*,
15 That the Chief Financial Officer of the District of Colum-
16 bia shall take such steps as are necessary to assure that
17 the District of Columbia meets these requirements, includ-
18 ing the apportioning by the Chief Financial Officer of the
19 appropriations and funds made available to the District
20 during fiscal year 2009, except that the Chief Financial
21 Officer may not reprogram for operating expenses any
22 funds derived from bonds, notes, or other obligations
23 issued for capital projects.

24 This title may be cited as the “District of Columbia
25 Appropriations Act, 2009”.

1 TITLE V
2 INDEPENDENT AGENCIES
3 CONSUMER PRODUCT SAFETY COMMISSION
4 SALARIES AND EXPENSES
5 For necessary expenses of the Consumer Product
6 Safety Commission (CPSC), including hire of passenger
7 motor vehicles, services as authorized by 5 U.S.C. 3109,
8 but at rates for individuals not to exceed the per diem
9 rate equivalent to the maximum rate payable under 5
10 U.S.C. 5376, purchase of nominal awards to recognize
11 non-Federal officials' contributions to Commission activi-
12 ties, and not to exceed \$1,000 for official reception and
13 representation expenses, \$100,000,000, of which
14 \$6,000,000 shall remain available for obligation until Sep-
15 tember 30, 2011 for costs associated with the relocation
16 of CPSC's laboratory to a modern facility and the upgrade
17 of laboratory equipment.

18 ELECTION ASSISTANCE COMMISSION
19 SALARIES AND EXPENSES
20 (INCLUDING TRANSFER OF FUNDS)
21 For necessary expenses to carry out the Help Amer-
22 ica Vote Act of 2002, \$18,559,000, of which \$4,000,000
23 shall be transferred to the National Institute of Standards
24 and Technology for election reform activities authorized
25 under the Help America Vote Act of 2002: *Provided*, That

1 \$1,250,000 shall be for the Help America Vote College
2 Program as provided by the Help America Vote Act of
3 2002 (Public Law 107–252): *Provided further*, That
4 \$400,000 shall be for a competitive grant program to sup-
5 port community involvement in student and parent mock
6 elections.

7 ELECTION REFORM PROGRAMS

8 For necessary expenses relating to election reform
9 programs, \$116,000,000, to remain available until ex-
10 pended, of which \$110,000,000 shall be for requirements
11 payments under part 1 of subtitle D of title II of the Help
12 America Vote Act of 2002 (Public Law 107–252),
13 \$5,000,000 shall be for grants to carry out research on
14 voting technology improvements as authorized under part
15 3 of subtitle D of title II of such Act, and \$1,000,000,
16 subject to authorization, shall be to conduct a pilot pro-
17 gram for grants to States and units of local government
18 for pre-election logic and accuracy testing and post-elec-
19 tion voting systems verification.

20 FEDERAL COMMUNICATIONS COMMISSION

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses of the Federal Communica-
24 tions Commission, as authorized by law, including uni-
25 forms and allowances therefor, as authorized by 5 U.S.C.

1 5901–5902; not to exceed \$4,000 for official reception and
2 representation expenses; purchase and hire of motor vehi-
3 cles; special counsel fees; and services as authorized by
4 5 U.S.C. 3109, \$338,874,783: *Provided*, That
5 \$337,874,783 of offsetting collections shall be assessed
6 and collected pursuant to section 9 of title I of the Com-
7 munications Act of 1934, shall be retained and used for
8 necessary expenses in this appropriation, and shall remain
9 available until expended: *Provided further*, That the sum
10 herein appropriated shall be reduced as such offsetting
11 collections are received during fiscal year 2009 so as to
12 result in a final fiscal year 2009 appropriation estimated
13 at \$1,000,000: *Provided further*, That any offsetting col-
14 lections received in excess of \$337,874,783 in fiscal year
15 2009 shall not be available for obligation: *Provided further*,
16 That remaining offsetting collections from prior years col-
17 lected in excess of the amount specified for collection in
18 each such year and otherwise becoming available on Octo-
19 ber 1, 2008, shall not be available for obligation: *Provided*
20 *further*, That notwithstanding 47 U.S.C. 309(j)(8)(B),
21 proceeds from the use of a competitive bidding system that
22 may be retained and made available for obligation shall
23 not exceed \$85,000,000 for fiscal year 2009: *Provided fur-*
24 *ther*, That, in addition, not to exceed \$25,480,000 may
25 be transferred from the Universal Service Fund in fiscal

1 year 2009 to remain available until expended, to monitor
2 the Universal Service Fund program to prevent and rem-
3 edy waste, fraud and abuse, and to conduct audits and
4 investigations by the Office of Inspector General.

5 FEDERAL DEPOSIT INSURANCE CORPORATION

6 OFFICE OF INSPECTOR GENERAL

7 For necessary expenses of the Office of Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, \$27,495,000, to be derived from the
10 Deposit Insurance Fund and the FSLIC Resolution Fund.

11 FEDERAL ELECTION COMMISSION

12 SALARIES AND EXPENSES

13 For necessary expenses to carry out the provisions
14 of the Federal Election Campaign Act of 1971,
15 \$63,618,000, of which not to exceed \$5,000 shall be avail-
16 able for reception and representation expenses.

17 FEDERAL LABOR RELATIONS AUTHORITY

18 SALARIES AND EXPENSES

19 For necessary expenses to carry out functions of the
20 Federal Labor Relations Authority, pursuant to Reorga-
21 nization Plan Numbered 2 of 1978, and the Civil Service
22 Reform Act of 1978, including services authorized by 5
23 U.S.C. 3109, and including hire of experts and consult-
24 ants, hire of passenger motor vehicles, and rental of con-
25 ference rooms in the District of Columbia and elsewhere,

1 \$22,674,000: *Provided*, That public members of the Fed-
2 eral Service Impasses Panel may be paid travel expenses
3 and per diem in lieu of subsistence as authorized by law
4 (5 U.S.C. 5703) for persons employed intermittently in
5 the Government service, and compensation as authorized
6 by 5 U.S.C. 3109: *Provided further*, That notwithstanding
7 31 U.S.C. 3302, funds received from fees charged to non-
8 Federal participants at labor-management relations con-
9 ferences shall be credited to and merged with this account,
10 to be available without further appropriation for the costs
11 of carrying out these conferences.

12 FEDERAL TRADE COMMISSION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Federal Trade Com-
15 mission, including uniforms or allowances therefor, as au-
16 thorized by 5 U.S.C. 5901–5902; services as authorized
17 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
18 not to exceed \$2,000 for official reception and representa-
19 tion expenses, \$259,200,000, to remain available until ex-
20 pended: *Provided*, That not to exceed \$300,000 shall be
21 available for use to contract with a person or persons for
22 collection services in accordance with the terms of 31
23 U.S.C. 3718: *Provided further*, That, notwithstanding any
24 other provision of law, not to exceed \$170,500,000 of off-
25 setting collections derived from fees collected for

1 premerger notification filings under the Hart-Scott-Ro-
2 dino Antitrust Improvements Act of 1976 (15 U.S.C.
3 18a), regardless of the year of collection, shall be retained
4 and used for necessary expenses in this appropriation:
5 *Provided further*, That, notwithstanding any other provi-
6 sion of law, not to exceed \$21,000,000 in offsetting collec-
7 tions derived from fees sufficient to implement and enforce
8 the Telemarketing Sales Rule, promulgated under the
9 Telemarketing and Consumer Fraud and Abuse Preven-
10 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
11 account, and be retained and used for necessary expenses
12 in this appropriation: *Provided further*, That the sum here-
13 in appropriated from the general fund shall be reduced
14 as such offsetting collections are received during fiscal
15 year 2009, so as to result in a final fiscal year 2009 appro-
16 priation from the general fund estimated at not more than
17 \$67,700,000: *Provided further*, That none of the funds
18 made available to the Federal Trade Commission may be
19 used to implement subsection (e)(2)(B) of section 43 of
20 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

1 GENERAL SERVICES ADMINISTRATION

2 REAL PROPERTY ACTIVITIES

3 FEDERAL BUILDINGS FUND

4 LIMITATIONS ON AVAILABILITY OF REVENUE

5 For an additional amount to be deposited in the Fed-
6 eral Buildings Fund, \$308,712,000. To carry out the pur-
7 poses of the Fund established pursuant to section 592 of
8 title 40, United States Code, the revenues and collections
9 deposited into the Fund shall be available for necessary
10 expenses of real property management and related activi-
11 ties not otherwise provided for, including operation, main-
12 tenance, and protection of federally owned and leased
13 buildings; rental of buildings in the District of Columbia;
14 restoration of leased premises; moving governmental agen-
15 cies (including space adjustments and telecommunications
16 relocation expenses) in connection with the assignment, al-
17 location and transfer of space; contractual services inci-
18 dent to cleaning or servicing buildings, and moving; repair
19 and alteration of federally owned buildings including
20 grounds, approaches and appurtenances; care and safe-
21 guarding of sites; maintenance, preservation, demolition,
22 and equipment; acquisition of buildings and sites by pur-
23 chase, condemnation, or as otherwise authorized by law;
24 acquisition of options to purchase buildings and sites; con-
25 version and extension of federally owned buildings; pre-

1 liminary planning and design of projects by contract or
 2 otherwise; construction of new buildings (including equip-
 3 ment for such buildings); and payment of principal, inter-
 4 est, and any other obligations for public buildings acquired
 5 by installment purchase and purchase contract; in the ag-
 6 gregate amount of \$8,161,285,000, of which: (1)
 7 \$453,831,000 shall remain available until expended for
 8 construction (including funds for sites and expenses and
 9 associated design and construction services) of additional
 10 projects at the following locations:

New Construction:

California:

San Diego, United States Courthouse Annex, \$110,362,000.

San Ysidro, Land Port of Entry, \$58,910,000.

Colorado:

Lakewood, Denver Federal Remediation, \$10,472,000.

District of Columbia:

DHS Consolidation and development of St. Elizabeths Campus,
\$165,102,000.

St. Elizabeths West Campus Infrastructure, \$8,249,000.

St. Elizabeths West Campus Site Acquisition, \$7,000,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation,
\$78,532,000.

North Dakota:

Portal, Land Port of Entry, \$15,204,000:

11 *Provided*, That each of the foregoing limits of costs
 12 on new construction projects may be exceeded to the ex-
 13 tent that savings are affected in other such projects, but
 14 not to exceed 10 percent of the amounts included in an
 15 approved prospectus, if required, unless advance approval
 16 is obtained from the Committees on Appropriations of a
 17 greater amount: *Provided further*, That all funds for direct

1 construction projects shall expire on September 30, 2010,
 2 and remain in the Federal Buildings Fund except for
 3 funds for projects as to which funds for design or other
 4 funds have been obligated in whole or in part prior to such
 5 date; (2) \$692,374,000 shall remain available until ex-
 6 pended for repairs and alterations, which includes associ-
 7 ated design and construction services:

Repairs and Alterations:

District of Columbia:

Eisenhower Executive Office Building, CBR, \$14,700,000.

Eisenhower Executive Office Building, Phase III, \$51,075,000.

West Wing Infrastructure Systems Replacement, \$76,487,000.

Illinois:

Chicago, Dirksen Courthouse, \$152,825,000.

North Carolina:

New Bern, United States Post Office and Courthouse, \$10,640,000.

Special Emphasis Programs:

Energy and Water Retrofit and Conservation Measures, \$36,647,000.

Basic Repairs and Alterations, \$350,000,000.

8 *Provided further*, That funds made available in this
 9 or any previous Act in the Federal Buildings Fund for
 10 Repairs and Alterations shall, for prospectus projects, be
 11 limited to the amount identified for each project, except
 12 each project in this or any previous Act may be increased
 13 by an amount not to exceed 10 percent unless advance
 14 approval is obtained from the Committees on Appropria-
 15 tions of a greater amount: *Provided further*, That addi-
 16 tional projects for which prospectuses have been fully ap-
 17 proved may be funded under this category only if advance
 18 approval is obtained from the Committees on Appropria-
 19 tions: *Provided further*, That the amounts provided in this

1 or any prior Act for “Repairs and Alterations” may be
2 used to fund costs associated with implementing security
3 improvements to buildings necessary to meet the minimum
4 standards for security in accordance with current law and
5 in compliance with the reprogramming guidelines of the
6 appropriate Committees of the House and Senate: *Pro-*
7 *vided further*, That the difference between the funds ap-
8 propriated and expended on any projects in this or any
9 prior Act, under the heading “Repairs and Alterations”,
10 may be transferred to Basic Repairs and Alterations or
11 used to fund authorized increases in prospectus projects:
12 *Provided further*, That all funds for repairs and alterations
13 prospectus projects shall expire on September 30, 2010,
14 and remain in the Federal Buildings Fund except funds
15 for projects as to which funds for design or other funds
16 have been obligated in whole or in part prior to such date:
17 *Provided further*, That the amount provided in this or any
18 prior Act for Basic Repairs and Alterations may be used
19 to pay claims against the Government arising from any
20 projects under the heading “Repairs and Alterations” or
21 used to fund authorized increases in prospectus projects;
22 (3) \$149,570,000 for installment acquisition payments,
23 including payments on purchase contracts which shall re-
24 main available until expended; (4) \$4,642,156,000 for
25 rental of space which shall remain available until ex-

1 pending; and (5) \$2,223,354,000 for building operations
2 which shall remain available until expended: *Provided fur-*
3 *ther*, That funds available to the General Services Admin-
4 istration shall not be available for expenses of any con-
5 struction, repair, alteration and acquisition project for
6 which a prospectus, if required by the Public Buildings
7 Act of 1959, has not been approved, except that necessary
8 funds may be expended for each project for required ex-
9 penses for the development of a proposed prospectus: *Pro-*
10 *vided further*, That funds available in the Federal Build-
11 ings Fund may be expended for emergency repairs when
12 advance approval is obtained from the Committees on Ap-
13 propriations: *Provided further*, That amounts necessary to
14 provide reimbursable special services to other agencies
15 under section 210(f)(6) of section 592 of title 40, United
16 States Code and amounts to provide such reimbursable
17 fencing, lighting, guard booths, and other facilities on pri-
18 vate or other property not in Government ownership or
19 control as may be appropriate to enable the United States
20 Secret Service to perform its protective functions pursuant
21 to 18 U.S.C. 3056, shall be available from such revenues
22 and collections: *Provided further*, That revenues and col-
23 lections and any other sums accruing to this Fund during
24 fiscal year 2009, excluding reimbursements under section
25 592 of title 40, United States Code in excess of the aggre-

1 gate new obligational authority authorized for Real Prop-
2 erty Activities of the Federal Buildings Fund in this Act
3 shall remain in the Fund and shall not be available for
4 expenditure except as authorized in appropriations Acts.

5 GENERAL ACTIVITIES

6 GOVERNMENT-WIDE POLICY

7 For expenses authorized by law, not otherwise pro-
8 vided for, for Government-wide policy and evaluation ac-
9 tivities associated with the management of real and per-
10 sonal property assets and certain administrative services;
11 Government-wide policy support responsibilities relating to
12 acquisition, telecommunications, information technology
13 management, and related technology activities; and serv-
14 ices as authorized by 5 U.S.C. 3109; \$56,215,000.

15 OPERATING EXPENSES

16 For expenses authorized by law, not otherwise pro-
17 vided for, for Government-wide activities associated with
18 utilization and donation of surplus personal property; dis-
19 posal of real property; agency-wide policy direction, man-
20 agement, and communications; Civilian Board of Contract
21 Appeals; services as authorized by 5 U.S.C. 3109; and not
22 to exceed \$7,500 for official reception and representation
23 expenses; \$71,208,000.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General and service authorized by 5 U.S.C. 3109,
4 \$51,800,000: *Provided*, That not to exceed \$15,000 shall
5 be available for payment for information and detection of
6 fraud against the Government, including payment for re-
7 covery of stolen Government property: *Provided further*,
8 That not to exceed \$2,500 shall be available for awards
9 to employees of other Federal agencies and private citizens
10 in recognition of efforts and initiatives resulting in en-
11 hanced Office of Inspector General effectiveness.

12 ALLOWANCES AND OFFICE STAFF FOR FORMER

13 PRESIDENTS

14 (INCLUDING TRANSFER OF FUNDS)

15 For carrying out the provisions of the Act of August
16 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,
17 \$2,934,000: *Provided*, That the Administrator of General
18 Services shall transfer to the Secretary of the Treasury
19 such sums as may be necessary to carry out the provisions
20 of such Acts.

21 PRESIDENTIAL TRANSITION EXPENSES

22 For expenses necessary to carry out the Presidential
23 Transition Act of 1963, \$8,520,000, of which not to ex-
24 ceed \$1,000,000 is for activities authorized by subsections
25 3(a)(8) and (9) of the Act.

1 FEDERAL CITIZEN SERVICES FUND

2 For necessary expenses of the Office of Citizen Serv-
3 ices, including services authorized by 5 U.S.C. 3109,
4 \$36,096,000, to be deposited into the Federal Citizen
5 Services Fund: *Provided*, That the appropriations, reve-
6 nues, and collections deposited into the Fund shall be
7 available for necessary expenses of Federal Citizen Serv-
8 ices activities in the aggregate amount not to exceed
9 \$50,000,000. Appropriations, revenues, and collections ac-
10 cruing to this Fund during fiscal year 2009 in excess of
11 such amount shall remain in the Fund and shall not be
12 available for expenditure except as authorized in appro-
13 priations Acts.

14 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

15 ADMINISTRATION

16 (INCLUDING TRANSFERS OF FUNDS)

17 SEC. 501. Funds available to the General Services
18 Administration shall be available for the hire of passenger
19 motor vehicles.

20 SEC. 502. Funds in the Federal Buildings Fund
21 made available for fiscal year 2009 for Federal Buildings
22 Fund activities may be transferred between such activities
23 only to the extent necessary to meet program require-
24 ments: *Provided*, That any proposed transfers shall be ap-
25 proved in advance by the Committees on Appropriations.

1 SEC. 503. Except as otherwise provided in this title,
2 no funds made available by this Act shall be used to trans-
3 mit a fiscal year 2010 request for United States Court-
4 house construction that: (1) does not meet the design
5 guide standards for construction as established and ap-
6 proved by the General Services Administration, the Judi-
7 cial Conference of the United States, and the Office of
8 Management and Budget; and (2) does not reflect the pri-
9 orities of the Judicial Conference of the United States as
10 set out in its approved 5-year construction plan: *Provided*,
11 That the fiscal year 2010 request must be accompanied
12 by a standardized courtroom utilization study of each fa-
13 cility to be constructed, replaced, or expanded.

14 SEC. 504. None of the funds provided in this Act may
15 be used to increase the amount of occupiable square feet,
16 provide cleaning services, security enhancements, or any
17 other service usually provided through the Federal Build-
18 ings Fund, to any agency that does not pay the rate per
19 square foot assessment for space and services as deter-
20 mined by the General Services Administration in compli-
21 ance with the Public Buildings Amendments Act of 1972
22 (Public Law 92–313).

23 SEC. 505. From funds made available under the
24 heading “Federal Buildings Fund, Limitations on Avail-
25 ability of Revenue”, claims against the Government of less

1 than \$250,000 arising from direct construction projects
2 and acquisition of buildings may be liquidated from sav-
3 ings effected in other construction projects with prior noti-
4 fication to the Committees on Appropriations.

5 SEC. 506. In any case in which the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives and the Committee on Environment and Pub-
8 lic Works of the Senate adopt a resolution granting lease
9 authority pursuant to a prospectus transmitted to Con-
10 gress by the Administrator of General Services under sec-
11 tion 3307 of title 40, United States Code, the Adminis-
12 trator shall ensure that the delineated area of procurement
13 is identical to the delineated area included in the pro-
14 spectus for all lease agreements, except that, if the Admin-
15 istrator determines that the delineated area of the pro-
16 curement should not be identical to the delineated area
17 included in the prospectus, the Administrator shall provide
18 an explanatory statement to each of such committees and
19 the House and Senate Committees on Appropriations
20 prior to exercising any lease authority provided in the res-
21 olution.

22 SEC. 507. Subsections (a) and (b)(1) of section 323
23 of title 40, United States Code, are each amended by strik-
24 ing “Consumer Information Center” and inserting “Fed-

1 eral Citizen Services”; and subsection (a) is further
2 amended by striking “consumer”.

3 SEC. 508. WORKING CAPITAL FUND.—(a) PURPOSE
4 AND OPERATION OF WORKING CAPITAL FUND.—Sub-
5 sections (a), (b) and (c) of section 3173 of title 40, United
6 States Code, are amended to read as follows:

7 “(a) ESTABLISHMENT AND PURPOSE.—There is a
8 working capital fund for the necessary expenses of admin-
9 istrative support services including accounting, budget,
10 personnel, legal support and other related services; and
11 the maintenance and operation of printing and reproduc-
12 tion facilities in support of the functions of the General
13 Services Administration, other Federal agencies, and other
14 entities; and other such administrative and management
15 services that the Administrator of GSA deems appropriate
16 and advantageous (subject to prior notice to the Office of
17 Management and Budget).

18 “(b) COMPOSITION.—

19 “(1) IN GENERAL.—Amounts received shall be
20 credited to and merged with the Fund, to remain
21 available until expended, for operating costs and
22 capital outlays of the Fund: *Provided*, That entities
23 for which such services are performed shall be
24 charged at rates which will return in full all costs of
25 providing such services.

1 “(2) COST AND CAPITAL REQUIREMENTS.—The
2 Administrator shall determine the cost and capital
3 requirements of the Fund for each fiscal year and
4 shall develop a plan concerning such requirements in
5 consultation with the Chief Financial Officer of the
6 General Services Administration. Any change to the
7 cost and capital requirements of the Fund for a fis-
8 cal year shall be approved by the Administrator. The
9 Administrator shall establish rates to be charged to
10 entities for which services are performed, in accord-
11 ance with the plan.

12 “(c) DEPOSIT OF EXCESS AMOUNTS IN THE TREAS-
13 URY.—At the close of each fiscal year, after making provi-
14 sion for anticipated operating needs reflected in the cost
15 and capital plan developed under subsection (b), the un-
16 committed balance of any funds remaining in the Fund
17 shall be transferred to the general fund of the Treasury
18 as miscellaneous receipts.”.

19 (b) TRANSFER AND USE OF AMOUNTS FOR MAJOR
20 EQUIPMENT ACQUISITIONS.—Section 3173 of title 40,
21 United States Code, is amended to add subsection (d), as
22 follows:

23 “(d) TRANSFER AND USE OF AMOUNTS FOR MAJOR
24 EQUIPMENT ACQUISITIONS.—

1 “(1) IN GENERAL.—Subject to subparagraph
2 (2), unobligated balances of amounts appropriated
3 or otherwise made available to the General Services
4 Administration for operating expenses and salaries
5 and expenses may be transferred and merged into
6 the ‘Major equipment acquisitions and development
7 activity’ of the working capital fund of the General
8 Services Administration for agency-wide acquisition
9 of capital equipment, automated data processing sys-
10 tems and financial management and management in-
11 formation systems: *Provided*, That acquisitions are
12 limited to those needed to implement the Chief Fi-
13 nancial Officers Act of 1990 (Public Law 101–576,
14 104 Stat. 2838) and related laws or regulations.

15 “(2) Requirements and Availability.—

16 “(A) TIME FOR TRANSFER.—Transfer of
17 an amount under this section must be done no
18 later than the end of the fifth fiscal year after
19 the fiscal year for which the amount is appro-
20 priated or otherwise made available.

21 “(B) APPROVAL FOR USE.—An amount
22 transferred under this section may be used only
23 with the advance approval of the Committees on
24 Appropriations of the House of Representatives
25 and the Senate.

1 “(C) AVAILABILITY.—An amount trans-
2 ferred under this section remains available until
3 expended.”

4 (c) CONFORMING AND CLERICAL AMENDMENTS.—

5 (1) Section 312 of such title is repealed.

6 (2) The heading for section 3173 of such title
7 is amended to read as follows:

8 **“§ 3173. Working capital fund for General Services**
9 **Administration”.**

10 MERIT SYSTEMS PROTECTION BOARD

11 SALARIES AND EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses to carry out functions of the
14 Merit Systems Protection Board pursuant to Reorganiza-
15 tion Plan Numbered 2 of 1978, the Civil Service Reform
16 Act of 1978, and the Whistleblower Protection Act of
17 1989 (5 U.S.C. 5509 note), including services as author-
18 ized by 5 U.S.C. 3109, rental of conference rooms in the
19 District of Columbia and elsewhere, hire of passenger
20 motor vehicles, direct procurement of survey printing, and
21 not to exceed \$2,000 for official reception and representa-
22 tion expenses, \$38,811,000 together with not to exceed
23 \$2,579,000 for administrative expenses to adjudicate re-
24 tirement appeals to be transferred from the Civil Service

1 Retirement and Disability Fund in amounts determined
2 by the Merit Systems Protection Board.

3 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN
4 NATIONAL ENVIRONMENTAL POLICY FOUNDATION
5 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN
6 NATIONAL ENVIRONMENTAL POLICY TRUST FUND
7 (INCLUDING TRANSFER OF FUNDS)

8 For payment to the Morris K. Udall Scholarship and
9 Excellence in National Environmental Policy Trust Fund,
10 pursuant to the Morris K. Udall Scholarship and Excel-
11 lence in National Environmental and Native American
12 Public Policy Act of 1992 (20 U.S.C. 5601 et seq.),
13 \$3,750,000, to remain available until expended, of which
14 up to \$50,000 shall be used to conduct financial audits
15 pursuant to the Accountability of Tax Dollars Act of 2002
16 (Public Law 107–289) notwithstanding sections 8 and 9
17 of Public Law 102–259: *Provided*, That up to 60 percent
18 of such funds may be transferred by the Morris K. Udall
19 Scholarship and Excellence in National Environmental
20 Policy Foundation for the necessary expenses of the Na-
21 tive Nations Institute.

22 ENVIRONMENTAL DISPUTE RESOLUTION FUND

23 For payment to the Environmental Dispute Resolu-
24 tion Fund to carry out activities authorized in the Envi-

1 ronmental Policy and Conflict Resolution Act of 1998,
2 \$2,100,000, to remain available until expended.

3 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
4 OPERATING EXPENSES

5 For necessary expenses in connection with the admin-
6 istration of the National Archives and Records Adminis-
7 tration (including the Information Security Oversight Of-
8 fice) and archived Federal records and related activities,
9 as provided by law, and for expenses necessary for the re-
10 view and declassification of documents and the activities
11 of the Public Interest Declassification Board, and for the
12 hire of passenger motor vehicles, and for uniforms or al-
13 lowances therefor, as authorized by law (5 U.S.C. 5901
14 et seq.), including maintenance, repairs, and cleaning,
15 \$330,000,000, of which \$650,000 shall remain available
16 until September 30, 2010.

17 ELECTRONIC RECORDS ARCHIVES

18 For necessary expenses in connection with the devel-
19 opment of the electronic records archives, to include all
20 direct project costs associated with research, analysis, de-
21 sign, development, and program management,
22 \$67,008,000, of which \$45,795,000 shall remain available
23 until September 30, 2011: *Provided*, That none of the
24 multi-year funds may be obligated until the National Ar-
25 chives and Records Administration submits to the Com-

1 mittees on Appropriations, and such Committees approve,
 2 a plan for expenditure that: (1) meets the capital planning
 3 and investment control review requirements established by
 4 the Office of Management and Budget, including Circular
 5 A-11; (2) complies with the National Archives and
 6 Records Administration's enterprise architecture; (3) con-
 7 forms with the National Archives and Records Adminis-
 8 tration's enterprise life cycle methodology; (4) is approved
 9 by the National Archives and Records Administration and
 10 the Office of Management and Budget; (5) has been re-
 11 viewed by the Government Accountability Office; and (6)
 12 complies with the acquisition rules, requirements, guide-
 13 lines, and systems acquisition management practices of
 14 the Federal Government.

15 REPAIRS AND RESTORATION

16 For the repair, alteration, and improvement of ar-
 17 chives facilities, and to provide adequate storage for hold-
 18 ings, \$26,711,000, to remain available until expended.

19 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

20 COMMISSION

21 GRANTS PROGRAM

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses for allocations and grants for
 24 historical publications and records as authorized by 44
 25 U.S.C. 2504, \$12,000,000, to remain available until ex-

1 pending: *Provided*, That of the funds provided in this para-
2 graph, \$2,000,000 shall be transferred to the operating
3 expenses account of the National Archives and Records
4 Administration for operating expenses of the National
5 Historical Publications and Records Commission.

6 NATIONAL CREDIT UNION ADMINISTRATION

7 CENTRAL LIQUIDITY FACILITY

8 During fiscal year 2009, gross obligations of the Cen-
9 tral Liquidity Facility for the principal amount of new di-
10 rect loans to member credit unions, as authorized by 12
11 U.S.C. 1795 et seq., shall not exceed \$1,500,000,000: *Pro-*
12 *vided*, That administrative expenses of the Central Liquid-
13 ity Facility in fiscal year 2009 shall not exceed \$334,000.

14 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

15 For the Community Development Revolving Loan
16 Fund program as authorized by 42 U.S.C. 9812, 9822
17 and 9910, \$1,000,000 shall be available until September
18 30, 2010 for technical assistance to low-income designated
19 credit unions.

20 OFFICE OF GOVERNMENT ETHICS

21 SALARIES AND EXPENSES

22 For necessary expenses to carry out functions of the
23 Office of Government Ethics pursuant to the Ethics in
24 Government Act of 1978, and the Ethics Reform Act of
25 1989, including services as authorized by 5 U.S.C. 3109,

1 rental of conference rooms in the District of Columbia and
2 elsewhere, hire of passenger motor vehicles, and not to ex-
3 ceed \$1,500 for official reception and representation ex-
4 penses, \$13,000,000.

5 OFFICE OF PERSONNEL MANAGEMENT

6 SALARIES AND EXPENSES

7 (INCLUDING TRANSFER OF TRUST FUNDS)

8 For necessary expenses to carry out functions of the
9 Office of Personnel Management pursuant to Reorganiza-
10 tion Plan Numbered 2 of 1978 and the Civil Service Re-
11 form Act of 1978, including services as authorized by 5
12 U.S.C. 3109; medical examinations performed for veterans
13 by private physicians on a fee basis; rental of conference
14 rooms in the District of Columbia and elsewhere; hire of
15 passenger motor vehicles; not to exceed \$2,500 for official
16 reception and representation expenses; advances for reim-
17 bursements to applicable funds of the Office of Personnel
18 Management and the Federal Bureau of Investigation for
19 expenses incurred under Executive Order No. 10422 of
20 January 9, 1953, as amended; and payment of per diem
21 and/or subsistence allowances to employees where Voting
22 Rights Act activities require an employee to remain over-
23 night at his or her post of duty, \$92,829,000, of which
24 \$5,851,000 shall remain available until expended for the
25 Enterprise Human Resources Integration project;

1 \$1,351,000 shall remain available until expended for the
2 Human Resources Line of Business project; and in addi-
3 tion \$118,082,000 for administrative expenses, to be
4 transferred from the appropriate trust funds of the Office
5 of Personnel Management without regard to other stat-
6 utes, including direct procurement of printed materials,
7 for the retirement and insurance programs, of which
8 \$15,200,000 shall remain available until expended for the
9 cost of automating the retirement recordkeeping systems:
10 *Provided*, That the provisions of this appropriation shall
11 not affect the authority to use applicable trust funds as
12 provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of
13 title 5, United States Code: *Provided further*, That no part
14 of this appropriation shall be available for salaries and ex-
15 penses of the Legal Examining Unit of the Office of Per-
16 sonnel Management established pursuant to Executive
17 Order No. 9358 of July 1, 1943, or any successor unit
18 of like purpose: *Provided further*, That the President's
19 Commission on White House Fellows, established by Exec-
20 utive Order No. 11183 of October 3, 1964, may, during
21 fiscal year 2009, accept donations of money, property, and
22 personal services: *Provided further*, That such donations,
23 including those from prior years, may be used for the de-
24 velopment of publicity materials to provide information
25 about the White House Fellows, except that no such dona-

1 tions shall be accepted for travel or reimbursement of trav-
2 el expenses, or for the salaries of employees of such Com-
3 mission.

4 OFFICE OF INSPECTOR GENERAL

5 SALARIES AND EXPENSES

6 (INCLUDING TRANSFER OF TRUST FUNDS)

7 For necessary expenses of the Office of Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, including services as authorized by
10 5 U.S.C. 3109, hire of passenger motor vehicles,
11 \$1,538,000, and in addition, not to exceed \$16,962,000
12 for administrative expenses to audit, investigate, and pro-
13 vide other oversight of the Office of Personnel Manage-
14 ment's retirement and insurance programs, to be trans-
15 ferred from the appropriate trust funds of the Office of
16 Personnel Management, as determined by the Inspector
17 General: *Provided*, That the Inspector General is author-
18 ized to rent conference rooms in the District of Columbia
19 and elsewhere.

20 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES

21 HEALTH BENEFITS

22 For payment of Government contributions with re-
23 spect to retired employees, as authorized by chapter 89
24 of title 5, United States Code, and the Retired Federal

1 Employees Health Benefits Act (74 Stat. 849), such sums
2 as may be necessary.

3 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE
4 LIFE INSURANCE

5 For payment of Government contributions with re-
6 spect to employees retiring after December 31, 1989, as
7 required by chapter 87 of title 5, United States Code, such
8 sums as may be necessary.

9 PAYMENT TO CIVIL SERVICE RETIREMENT AND
10 DISABILITY FUND

11 For financing the unfunded liability of new and in-
12 creased annuity benefits becoming effective on or after Oc-
13 tober 20, 1969, as authorized by 5 U.S.C. 8348, and an-
14 nuities under special Acts to be credited to the Civil Serv-
15 ice Retirement and Disability Fund, such sums as may
16 be necessary: *Provided*, That annuities authorized by the
17 Act of May 29, 1944, and the Act of August 19, 1950
18 (33 U.S.C. 771–775), may hereafter be paid out of the
19 Civil Service Retirement and Disability Fund.

20 OFFICE OF SPECIAL COUNSEL
21 SALARIES AND EXPENSES

22 For necessary expenses to carry out functions of the
23 Office of Special Counsel pursuant to Reorganization Plan
24 Numbered 2 of 1978, the Civil Service Reform Act of
25 1978 (Public Law 95–454), the Whistleblower Protection

1 Act of 1989 (Public Law 101–12), Public Law 107–304,
2 and the Uniformed Services Employment and Reemploy-
3 ment Rights Act of 1994 (Public Law 103–353), including
4 services as authorized by 5 U.S.C. 3109, payment of fees
5 and expenses for witnesses, rental of conference rooms in
6 the District of Columbia and elsewhere, and hire of pas-
7 senger motor vehicles; \$17,468,000.

8 POSTAL REGULATORY COMMISSION

9 SALARIES AND EXPENSES

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses of the Postal Regulatory
12 Commission in carrying out the provisions of the Postal
13 Accountability and Enhancement Act (Public Law 109–
14 435), \$14,043,000, to be derived by transfer from the
15 Postal Service Fund and expended as authorized by sec-
16 tion 603(a) of such Act.

17 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

18 SALARIES AND EXPENSES

19 For necessary expenses of the Privacy and Civil Lib-
20 erties Oversight Board, as authorized by section 1061 of
21 the Intelligence Reform and Terrorism Prevention Act of
22 2004 (5 U.S.C. 601 note), \$1,000,000.

1 SECURITIES AND EXCHANGE COMMISSION
2 SALARIES AND EXPENSES

3 For necessary expenses for the Securities and Ex-
4 change Commission, including services as authorized by
5 5 U.S.C. 3109, the rental of space (to include multiple
6 year leases) in the District of Columbia and elsewhere, and
7 not to exceed \$3,500 for official reception and representa-
8 tion expenses, \$928,000,000, to remain available until ex-
9 pended; of which not to exceed \$20,000 may be used to-
10 ward funding a permanent secretariat for the Inter-
11 national Organization of Securities Commissions; and of
12 which not to exceed \$100,000 shall be available for ex-
13 penses for consultations and meetings hosted by the Com-
14 mission with foreign governmental and other regulatory
15 officials, members of their delegations, appropriate rep-
16 resentatives, and staff to exchange views concerning devel-
17 opments relating to securities matters, development and
18 implementation of cooperation agreements concerning se-
19 curities matters, and provision of technical assistance for
20 the development of foreign securities markets, such ex-
21 penses to include necessary logistic and administrative ex-
22 penses and the expenses of Commission staff and foreign
23 invitees in attendance at such consultations and meetings
24 including: (1) such incidental expenses as meals taken in
25 the course of such attendance; (2) any travel and trans-

1 portation to or from such meetings; and (3) any other re-
 2 lated lodging or subsistence: *Provided*, That fees and
 3 charges authorized by sections 6(b) of the Securities Ex-
 4 change Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g)
 5 and 31 of the Securities Exchange Act of 1934 (15 U.S.C.
 6 78m(e), 78n(g), and 78ee), shall be credited to this ac-
 7 count as offsetting collections: *Provided further*, That not
 8 to exceed \$879,356,000 of such offsetting collections shall
 9 be available until expended for necessary expenses of this
 10 account: *Provided further*, That \$48,644,000 shall be de-
 11 rived from prior year unobligated balances from funds pre-
 12 viously appropriated to the Securities and Exchange Com-
 13 mission: *Provided further*, That the total amount appro-
 14 priated under this heading from the general fund for fiscal
 15 year 2009 shall be reduced as such offsetting fees are re-
 16 ceived so as to result in a final total fiscal year 2009 ap-
 17 propriation from the general fund estimated at not more
 18 than \$0.

19 SELECTIVE SERVICE SYSTEM

20 SALARIES AND EXPENSES

21 For necessary expenses of the Selective Service Sys-
 22 tem, including expenses of attendance at meetings and of
 23 training for uniformed personnel assigned to the Selective
 24 Service System, as authorized by 5 U.S.C. 4101–4118 for
 25 civilian employees; purchase of uniforms, or allowances

1 therefor, as authorized by 5 U.S.C. 5901–5902; hire of
2 passenger motor vehicles; services as authorized by 5
3 U.S.C. 3109; and not to exceed \$750 for official reception
4 and representation expenses; \$22,000,000: *Provided*, That
5 during the current fiscal year, the President may exempt
6 this appropriation from the provisions of 31 U.S.C. 1341,
7 whenever the President deems such action to be necessary
8 in the interest of national defense: *Provided further*, That
9 none of the funds appropriated by this Act may be ex-
10 pended for or in connection with the induction of any per-
11 son into the Armed Forces of the United States.

12 SMALL BUSINESS ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses, not otherwise provided for,
15 of the Small Business Administration as authorized by
16 Public Law 108–447, including hire of passenger motor
17 vehicles as authorized by 31 U.S.C. 1343 and 1344, and
18 not to exceed \$3,500 for official reception and representa-
19 tion expenses, \$389,208,000: *Provided*, That the Adminis-
20 trator is authorized to charge fees to cover the cost of pub-
21 lications developed by the Small Business Administration,
22 and certain loan program activities, including fees author-
23 ized by section 5(b) of the Small Business Act: *Provided*
24 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
25 received from all such activities shall be credited to this

1 account, to remain available until expended, for carrying
2 out these purposes without further appropriations: *Pro-*
3 *vided further*, That \$110,000,000 shall be available to
4 fund grants for performance in fiscal year 2009 or fiscal
5 year 2010 as authorized, of which \$2,500,000 shall be for
6 the Veterans Assistance and Services Program authorized
7 by section 21(n) of the Small Business Act, as added by
8 section 107 of Public Law 110–186, and of which
9 \$2,500,000 shall be for the Small Business Energy Effi-
10 ciency Program authorized by section 1203(c) of Public
11 Law 110–140: *Provided further*, That \$7,654,400 shall be
12 available for the Loan Modernization and Accounting Sys-
13 tem, to be available until September 30, 2010.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, \$16,000,000.

18 SURETY BOND GUARANTEES REVOLVING FUND

19 For additional capital for the Surety Bond Guar-
20 tees Revolving Fund, authorized by the Small Business
21 Investment Act of 1958, \$2,000,000, to remain available
22 until expended.

1 BUSINESS LOANS PROGRAM ACCOUNT

2 (INCLUDING TRANSFERS OF FUNDS)

3 For the cost of direct loans, \$2,500,000, to remain
4 available until expended; and for the cost of guaranteed
5 loans, \$100,000,000: *Provided*, That of the amount for the
6 cost of guaranteed loans, such sums as may be necessary
7 shall be for the Increased Veteran Participation Program
8 under section 7(a)(32) of the Small Business Act, as
9 added by section 208 of Public Law 110–186: *Provided*
10 *further*, That amounts remaining after the application of
11 the preceding proviso shall be used by the Small Business
12 Administration to reduce fees pursuant to subparagraph
13 (C) of section 7(a)(23) of the Small Business Act by an
14 estimated aggregate amount equal to the amounts remain-
15 ing, notwithstanding the requirement of such section of
16 reducing to zero the cost to the Administration of making
17 guarantees: *Provided further*, That such reduction may be
18 made only with respect to loans guaranteed after the date
19 of enactment of this Act: *Provided further*, That such
20 costs, including the cost of modifying such loans, shall be
21 as defined in section 502 of the Congressional Budget Act
22 of 1974: *Provided further*, That subject to section 502 of
23 the Congressional Budget Act of 1974, during fiscal year
24 2009 commitments to guarantee loans under section 503
25 of the Small Business Investment Act of 1958 shall not

1 exceed \$7,500,000,000: *Provided further*, That during fis-
 2 cal year 2009 commitments for general business loans au-
 3 thorized under section 7(a) of the Small Business Act
 4 shall not exceed \$17,500,000,000: *Provided further*, That
 5 during fiscal year 2009 commitments to guarantee loans
 6 for debentures under section 303(b) of the Small Business
 7 Investment Act of 1958, shall not exceed \$3,000,000,000:
 8 *Provided further*, That during fiscal year 2009, guarantees
 9 of trust certificates authorized by section 5(g) of the Small
 10 Business Act shall not exceed a principal amount of
 11 \$12,000,000,000. In addition, for administrative expenses
 12 to carry out the direct and guaranteed loan programs,
 13 \$138,480,000, which may be transferred to and merged
 14 with the appropriations for Salaries and Expenses.

15 DISASTER LOAN PROGRAM ACCOUNT

16 (INCLUDING TRANSFERS OF FUNDS)

17 For administrative expenses to carry out the direct
 18 loan program, authorized by section 7(b) of the Small
 19 Business Act, \$160,068,000, to be available until ex-
 20 pended, of which \$1,000,000 is for the Office of Inspector
 21 General of the Small Business Administration for audits
 22 and reviews of disaster loans and the disaster loan pro-
 23 gram and shall be paid to appropriations for the Office
 24 of Inspector General; of which \$150,068,000 is for direct
 25 administrative expenses of loan making and servicing to

1 carry out the direct loan program, which may be paid to
 2 appropriations for Salaries and Expenses; and of which
 3 \$9,000,000 is for indirect administrative expenses, which
 4 may be paid to appropriations for Salaries and Expenses.

5 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

6 ADMINISTRATION

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 510. Not to exceed 5 percent of any appropria-
 9 tion made available for the current fiscal year for the
 10 Small Business Administration in this Act may be trans-
 11 ferred between such appropriations, but no such appro-
 12 priation shall be increased by more than 10 percent by
 13 any such transfers: *Provided*, That any transfer pursuant
 14 to this paragraph shall be treated as a reprogramming of
 15 funds under section 608 of this Act and shall not be avail-
 16 able for obligation or expenditure except in compliance
 17 with the procedures set forth in that section.

18 SEC. 511. For an additional amount under the head-
 19 ing “Small Business Administration, Salaries and Ex-
 20 penses”, \$72,018,000, to remain available until September
 21 30, 2010, shall be for initiatives related to small business
 22 development and entrepreneurship, including pro-
 23 grammatic and construction activities, and in the amounts
 24 specified in the table that appears under the heading “Ad-
 25 ministrative Provisions—Small Business Administration”

1 in the report of the Committee on Appropriations of the
2 House of Representatives to accompany this Act.

3 UNITED STATES POSTAL SERVICE

4 PAYMENT TO THE POSTAL SERVICE FUND

5 For payment to the Postal Service Fund for revenue
6 forgone on free and reduced rate mail, pursuant to sub-
7 sections (c) and (d) of section 2401 of title 39, United
8 States Code, \$111,831,000, of which \$82,831,000 shall
9 not be available for obligation until October 1, 2009: *Pro-*
10 *vided*, That mail for overseas voting and mail for the blind
11 shall continue to be free: *Provided further*, That 6-day de-
12 livery and rural delivery of mail shall continue at not less
13 than the 1983 level: *Provided further*, That none of the
14 funds made available to the Postal Service by this Act
15 shall be used to implement any rule, regulation, or policy
16 of charging any officer or employee of any State or local
17 child support enforcement agency, or any individual par-
18 ticipating in a State or local program of child support en-
19 forcement, a fee for information requested or provided
20 concerning an address of a postal customer: *Provided fur-*
21 *ther*, That none of the funds provided in this Act shall
22 be used to consolidate or close small rural and other small
23 post offices in fiscal year 2009.

1 OFFICE OF INSPECTOR GENERAL

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, as amended, \$239,356,000, to be
6 derived by transfer from the Postal Service Fund and ex-
7 pended as authorized by section 603(b)(3) of the Postal
8 Accountability and Enhancement Act (Public Law 109–
9 435).

10 UNITED STATES TAX COURT

11 SALARIES AND EXPENSES

12 For necessary expenses, including contract reporting
13 and other services as authorized by 5 U.S.C. 3109,
14 \$48,463,000: *Provided*, That travel expenses of the judges
15 shall be paid upon the written certificate of the judge.

16 TITLE VI

17 GENERAL PROVISIONS—THIS ACT

18 SEC. 601. None of the funds in this Act shall be used
19 for the planning or execution of any program to pay the
20 expenses of, or otherwise compensate, non-Federal parties
21 intervening in regulatory or adjudicatory proceedings
22 funded in this Act.

23 SEC. 602. None of the funds appropriated in this Act
24 shall remain available for obligation beyond the current

1 fiscal year, nor may any be transferred to other appropria-
2 tions, unless expressly so provided herein.

3 SEC. 603. The expenditure of any appropriation
4 under this Act for any consulting service through procure-
5 ment contract pursuant to section 3109 of title 5, United
6 States Code, shall be limited to those contracts where such
7 expenditures are a matter of public record and available
8 for public inspection, except where otherwise provided
9 under existing law, or under existing Executive order
10 issued pursuant to existing law.

11 SEC. 604. None of the funds made available in this
12 Act may be transferred to any department, agency, or in-
13 strumentality of the United States Government, except
14 pursuant to a transfer made by, or transfer authority pro-
15 vided in, this Act or any other appropriations Act.

16 SEC. 605. None of the funds made available by this
17 Act shall be available for any activity or for paying the
18 salary of any Government employee where funding an ac-
19 tivity or paying a salary to a Government employee would
20 result in a decision, determination, rule, regulation, or pol-
21 icy that would prohibit the enforcement of section 307 of
22 the Tariff Act of 1930 (19 U.S.C. 1307).

23 SEC. 606. No funds appropriated pursuant to this
24 Act may be expended by an entity unless the entity agrees

1 that in expending the assistance the entity will comply
2 with the Buy American Act (41 U.S.C. 10a–10c).

3 SEC. 607. No funds appropriated or otherwise made
4 available under this Act shall be made available to any
5 person or entity that has been convicted of violating the
6 Buy American Act (41 U.S.C. 10a–10c).

7 SEC. 608. Except as otherwise provided in this Act,
8 none of the funds provided in this Act, provided by pre-
9 vious appropriations Acts to the agencies or entities fund-
10 ed in this Act that remain available for obligation or ex-
11 penditure in fiscal year 2009, or provided from any ac-
12 counts in the Treasury derived by the collection of fees
13 and available to the agencies funded by this Act, shall be
14 available for obligation or expenditure through a re-
15 programming of funds that: (1) creates a new program;
16 (2) eliminates a program, project, or activity; (3) increases
17 funds or personnel for any program, project, or activity
18 for which funds have been denied or restricted by the Con-
19 gress; (4) proposes to use funds directed for a specific ac-
20 tivity by either the House or Senate Committees on Ap-
21 propriations for a different purpose; (5) augments existing
22 programs, projects, or activities in excess of \$5,000,000
23 or 10 percent, whichever is less; (6) reduces existing pro-
24 grams, projects, or activities by \$5,000,000 or 10 percent,
25 whichever is less; or (7) creates or reorganizes offices, pro-

1 grams, or activities unless prior approval is received from
2 the Committees on Appropriations of the House of Rep-
3 resentatives and the Senate: *Provided*, That prior to any
4 significant reorganization or restructuring of offices, pro-
5 grams, or activities, each agency or entity funded in this
6 Act shall consult with the Committees on Appropriations
7 of the House of Representatives and the Senate: *Provided*
8 *further*, That not later than 60 days after the date of en-
9 actment of this Act, each agency funded by this Act shall
10 submit a report to the Committees on Appropriations of
11 the House of Representatives and the Senate to establish
12 the baseline for application of reprogramming and trans-
13 fer authorities for the current fiscal year: *Provided further*,
14 That the report shall include: (1) a table for each appro-
15 priation with a separate column to display the President's
16 budget request, adjustments made by Congress, adjust-
17 ments due to enacted rescissions, if appropriate, and the
18 fiscal year enacted level; (2) a delineation in the table for
19 each appropriation both by object class and program,
20 project, and activity as detailed in the budget appendix
21 for the respective appropriation; and (3) an identification
22 of items of special congressional interest: *Provided further*,
23 That the amount appropriated or limited for salaries and
24 expenses for an agency shall be reduced by \$100,000 per

1 day for each day after the required date that the report
2 has not been submitted to the Congress.

3 SEC. 609. Except as otherwise specifically provided
4 by law, not to exceed 50 percent of unobligated balances
5 remaining available at the end of fiscal year 2009 from
6 appropriations made available for salaries and expenses
7 for fiscal year 2009 in this Act, shall remain available
8 through September 30, 2010, for each such account for
9 the purposes authorized: *Provided*, That a request shall
10 be submitted to the Committees on Appropriations of the
11 House of Representatives and the Senate for approval
12 prior to the expenditure of such funds: *Provided further*,
13 That these requests shall be made in compliance with re-
14 programming guidelines.

15 SEC. 610. None of the funds made available in this
16 Act may be used by the Executive Office of the President
17 to request from the Federal Bureau of Investigation any
18 official background investigation report on any individual,
19 except when—

20 (1) such individual has given his or her express
21 written consent for such request not more than 6
22 months prior to the date of such request and during
23 the same presidential administration; or

24 (2) such request is required due to extraor-
25 dinary circumstances involving national security.

1 SEC. 611. The cost accounting standards promul-
2 gated under section 26 of the Office of Federal Procure-
3 ment Policy Act (Public Law 93–400; 41 U.S.C. 422)
4 shall not apply with respect to a contract under the Fed-
5 eral Employees Health Benefits Program established
6 under chapter 89 of title 5, United States Code.

7 SEC. 612. For the purpose of resolving litigation and
8 implementing any settlement agreements regarding the
9 nonforeign area cost-of-living allowance program, the Of-
10 fice of Personnel Management may accept and utilize
11 (without regard to any restriction on unanticipated travel
12 expenses imposed in an Appropriations Act) funds made
13 available to the Office of Personnel Management pursuant
14 to court approval.

15 SEC. 613. No funds appropriated by this Act shall
16 be available to pay for an abortion, or the administrative
17 expenses in connection with any health plan under the
18 Federal employees health benefits program which provides
19 any benefits or coverage for abortions.

20 SEC. 614. The provision of section 613 shall not
21 apply where the life of the mother would be endangered
22 if the fetus were carried to term, or the pregnancy is the
23 result of an act of rape or incest.

24 SEC. 615. In order to promote Government access to
25 commercial information technology, the restriction on pur-

1 chasing nondomestic articles, materials, and supplies set
2 forth in the Buy American Act (41 U.S.C. 10a et seq.),
3 shall not apply to the acquisition by the Federal Govern-
4 ment of information technology (as defined in section
5 11101 of title 40, United States Code), that is a commer-
6 cial item (as defined in section 4(12) of the Office of Fed-
7 eral Procurement Policy Act (41 U.S.C. 403(12))).

8 SEC. 616. Notwithstanding section 1353 of title 31,
9 United States Code, no officer or employee of any regu-
10 latory agency or commission funded by this Act may ac-
11 cept on behalf of that agency, nor may such agency or
12 commission accept, payment or reimbursement from a
13 non-Federal entity for travel, subsistence, or related ex-
14 penses for the purpose of enabling an officer or employee
15 to attend and participate in any meeting or similar func-
16 tion relating to the official duties of the officer or em-
17 ployee when the entity offering payment or reimbursement
18 is a person or entity subject to regulation by such agency
19 or commission, or represents a person or entity subject
20 to regulation by such agency or commission, unless the
21 person or entity is an organization described in section
22 501(c)(3) of the Internal Revenue Code of 1986 and ex-
23 empt from tax under section 501(a) of such Code.

24 SEC. 617. The Public Company Accounting Oversight
25 Board shall have authority to obligate funds for the schol-

1 arship program established by section 109(c)(2) of the
2 Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an
3 aggregate amount not exceeding the amount of funds col-
4 lected by the Board as of September 30, 2008, including
5 accrued interest, as a result of the assessment of monetary
6 penalties. Funds available for obligation in fiscal year
7 2009 shall remain available until expended.

8 SEC. 618. Section 619 of division D of the Consoli-
9 dated Appropriations Act, 2008 (20 U.S.C. 2009a) is
10 amended to read as follows:

11 “SEC. 619. Hereafter, the Secretary of the Treasury
12 shall invest such amounts appropriated and contributed
13 to the Harry S Truman Memorial Scholarship Trust Fund
14 in such obligations as the Board of Trustees of the Harry
15 S Truman Scholarship Foundation may request. Such a
16 request shall be binding on the Secretary to the extent
17 consistent with section 10(b) of the Harry S Truman Me-
18 morial Scholarship Act (20 U.S.C. 2009(b)), without re-
19 gard to the last sentence thereof.”.

20 SEC. 619. (a) IN GENERAL.—The second sentence of
21 section 7472 of the Internal Revenue Code of 1986 is
22 amended by inserting “after April 24, 1999, that is in-
23 curred” after “imposed”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 this section shall take effect as if included in the amend-

1 ment made by section 852 of the Pension Protection Act
2 of 2006.

3 SEC. 620. None of the funds made available by this
4 Act may be used by the Federal Communications Commis-
5 sion to implement or enforce paragraphs (2) through (7)
6 of the Commission’s daily newspaper cross-ownership rule
7 (47 C.F.R. 73.3555(d)), as amended by the Commission’s
8 Report and Order and Order on Reconsideration (FCC
9 07–216), adopted December 18, 2007, and any notes per-
10 taining to such paragraphs.

11 SEC. 621. None of the funds made available in this
12 Act may be used to administer, implement, or enforce the
13 amendment made to section 515.533 of title 31, Code of
14 Federal Regulations, that was published in the Federal
15 Register on February 25, 2005.

16 SEC. 622. For purposes of applying section
17 515.561(a) of title 31, Code of Federal Regulations, the
18 3-year period provided in such section shall be reduced to
19 a 1-year period.

20 SEC. 623. For purposes of applying section 515.561
21 of title 31, Code of Federal Regulations, the term “mem-
22 ber of a person’s immediate family” shall include any
23 aunt, uncle, niece, nephew, or first cousin of that person,
24 in addition to those individuals listed in section 515.561(c)
25 of such Code.

1 SEC. 624. Notwithstanding any other provision of
2 law, for fiscal year 2009 and each fiscal year thereafter,
3 neither the Board of Governors of the Federal Reserve
4 System nor the Secretary of the Treasury may determine,
5 by rule, regulation, order, or otherwise, for purposes of
6 section 4(k) of the Bank Holding Company Act of 1956,
7 or section 5136A of the Revised Statutes of the United
8 States, that real estate brokerage activity or real estate
9 management activity is an activity that is financial in na-
10 ture, is incidental to any financial activity, or is com-
11 plementary to a financial activity. For purposes of this
12 section, “real estate brokerage activity” shall mean “real
13 estate brokerage”, and “real estate management activity”
14 shall mean “property management”, as those terms were
15 understood by the Board of Governors of the Federal Re-
16 serve System prior to March 11, 2000.

17 TITLE VII

18 GENERAL PROVISIONS—GOVERNMENT-WIDE

19 DEPARTMENTS, AGENCIES, AND CORPORATIONS

20 SEC. 701. No department, agency, or instrumentality
21 of the United States receiving appropriated funds under
22 this or any other Act for fiscal year 2009 shall obligate
23 or expend any such funds, unless such department, agen-
24 cy, or instrumentality has in place, and will continue to
25 administer in good faith, a written policy designed to en-

1 sure that all of its workplaces are free from the illegal
2 use, possession, or distribution of controlled substances
3 (as defined in the Controlled Substances Act (21 U.S.C.
4 802)) by the officers and employees of such department,
5 agency, or instrumentality.

6 SEC. 702. Unless otherwise specifically provided, the
7 maximum amount allowable during the current fiscal year
8 in accordance with section 16 of the Act of August 2, 1946
9 (60 Stat. 810), for the purchase of any passenger motor
10 vehicle (exclusive of buses, ambulances, law enforcement,
11 and undercover surveillance vehicles), is hereby fixed at
12 \$13,197 except station wagons for which the maximum
13 shall be \$13,631: *Provided*, That these limits may be ex-
14 ceeded by not to exceed \$3,700 for police-type vehicles,
15 and by not to exceed \$4,000 for special heavy-duty vehi-
16 cles: *Provided further*, That the limits set forth in this sec-
17 tion may not be exceeded by more than 5 percent for elec-
18 tric or hybrid vehicles purchased for demonstration under
19 the provisions of the Electric and Hybrid Vehicle Re-
20 search, Development, and Demonstration Act of 1976:
21 *Provided further*, That the limits set forth in this section
22 may be exceeded by the incremental cost of clean alter-
23 native fuels vehicles acquired pursuant to Public Law
24 101-549 over the cost of comparable conventionally fueled
25 vehicles.

1 SEC. 703. Appropriations of the executive depart-
2 ments and independent establishments for the current fis-
3 cal year available for expenses of travel, or for the ex-
4 penses of the activity concerned, are hereby made available
5 for quarters allowances and cost-of-living allowances, in
6 accordance with 5 U.S.C. 5922–5924.

7 SEC. 704. Unless otherwise specified during the cur-
8 rent fiscal year, no part of any appropriation contained
9 in this or any other Act shall be used to pay the compensa-
10 tion of any officer or employee of the Government of the
11 United States (including any agency the majority of the
12 stock of which is owned by the Government of the United
13 States) whose post of duty is in the continental United
14 States unless such person: (1) is a citizen of the United
15 States; (2) is a person in the service of the United States
16 on the date of the enactment of this Act who, being eligible
17 for citizenship, has filed a declaration of intention to be-
18 come a citizen of the United States prior to such date and
19 is actually residing in the United States; (3) is a person
20 who owes allegiance to the United States; (4) is an alien
21 from Cuba, Poland, South Vietnam, the countries of the
22 former Soviet Union, or the Baltic countries lawfully ad-
23 mitted to the United States for permanent residence; (5)
24 is a South Vietnamese, Cambodian, or Laotian refugee pa-
25 roled in the United States after January 1, 1975; or (6)

1 is a national of the People's Republic of China who quali-
2 fies for adjustment of status pursuant to the Chinese Stu-
3 dent Protection Act of 1992 (Public Law 102-404): *Pro-*
4 *vided*, That for the purpose of this section, an affidavit
5 signed by any such person shall be considered prima facie
6 evidence that the requirements of this section with respect
7 to his or her status have been complied with: *Provided fur-*
8 *ther*, That any person making a false affidavit shall be
9 guilty of a felony, and, upon conviction, shall be fined no
10 more than \$4,000 or imprisoned for not more than 1 year,
11 or both: *Provided further*, That the above penal clause
12 shall be in addition to, and not in substitution for, any
13 other provisions of existing law: *Provided further*, That
14 any payment made to any officer or employee contrary to
15 the provisions of this section shall be recoverable in action
16 by the Federal Government. This section shall not apply
17 to citizens of Ireland, Israel, or the Republic of the Phil-
18ippines, or to nationals of those countries allied with the
19 United States in a current defense effort, or to inter-
20 national broadcasters employed by the Broadcasting
21 Board of Governors, or to temporary employment of trans-
22 lators, or to temporary employment in the field service
23 (not to exceed 60 days) as a result of emergencies: *Pro-*
24 *vided further*, That this section does not apply to the em-
25 ployment as Wildland firefighters for not more than 120

1 days of nonresident aliens employed by the Department
2 of the Interior or the USDA Forest Service pursuant to
3 an agreement with another country.

4 SEC. 705. Appropriations available to any depart-
5 ment or agency during the current fiscal year for nec-
6 essary expenses, including maintenance or operating ex-
7 penses, shall also be available for payment to the General
8 Services Administration for charges for space and services
9 and those expenses of renovation and alteration of build-
10 ings and facilities which constitute public improvements
11 performed in accordance with the Public Buildings Act of
12 1959 (73 Stat. 479), the Public Buildings Amendments
13 of 1972 (86 Stat. 216), or other applicable law.

14 SEC. 706. In addition to funds provided in this or
15 any other Act, all Federal agencies are authorized to re-
16 ceive and use funds resulting from the sale of materials,
17 including Federal records disposed of pursuant to a
18 records schedule recovered through recycling or waste pre-
19 vention programs. Such funds shall be available until ex-
20 pended for the following purposes:

21 (1) Acquisition, waste reduction and prevention,
22 and recycling programs as described in Executive
23 Order No. 13423 (January 24, 2007), including any
24 such programs adopted prior to the effective date of
25 the Executive order.

1 (2) Other Federal agency environmental man-
2 agement programs, including, but not limited to, the
3 development and implementation of hazardous waste
4 management and pollution prevention programs.

5 (3) Other employee programs as authorized by
6 law or as deemed appropriate by the head of the
7 Federal agency.

8 SEC. 707. Funds made available by this or any other
9 Act for administrative expenses in the current fiscal year
10 of the corporations and agencies subject to chapter 91 of
11 title 31, United States Code, shall be available, in addition
12 to objects for which such funds are otherwise available,
13 for rent in the District of Columbia; services in accordance
14 with 5 U.S.C. 3109; and the objects specified under this
15 head, all the provisions of which shall be applicable to the
16 expenditure of such funds unless otherwise specified in the
17 Act by which they are made available: *Provided*, That in
18 the event any functions budgeted as administrative ex-
19 penses are subsequently transferred to or paid from other
20 funds, the limitations on administrative expenses shall be
21 correspondingly reduced.

22 SEC. 708. No part of any appropriation contained in
23 this or any other Act shall be available for interagency
24 financing of boards (except Federal Executive Boards),
25 commissions, councils, committees, or similar groups

1 (whether or not they are interagency entities) which do
2 not have a prior and specific statutory approval to receive
3 financial support from more than one agency or instru-
4 mentality.

5 SEC. 709. None of the funds made available pursuant
6 to the provisions of this Act shall be used to implement,
7 administer, or enforce any regulation which has been dis-
8 approved pursuant to a joint resolution duly adopted in
9 accordance with the applicable law of the United States.

10 SEC. 710. (a) Notwithstanding any other provision
11 of law, and except as otherwise provided in this section,
12 no part of any of the funds appropriated for fiscal year
13 2009, by this or any other Act, may be used to pay any
14 prevailing rate employee described in section
15 5342(a)(2)(A) of title 5, United States Code—

16 (1) during the period from the date of expira-
17 tion of the limitation imposed by the comparable sec-
18 tion for previous fiscal years until the normal effec-
19 tive date of the applicable wage survey adjustment
20 that is to take effect in fiscal year 2009, in an
21 amount that exceeds the rate payable for the appli-
22 cable grade and step of the applicable wage schedule
23 in accordance with such section; and

24 (2) during the period consisting of the remain-
25 der of fiscal year 2009, in an amount that exceeds,

1 as a result of a wage survey adjustment, the rate
2 payable under paragraph (1) by more than the sum
3 of—

4 (A) the percentage adjustment taking ef-
5 fect in fiscal year 2009 under section 5303 of
6 title 5, United States Code, in the rates of pay
7 under the General Schedule; and

8 (B) the difference between the overall aver-
9 age percentage of the locality-based com-
10 parability payments taking effect in fiscal year
11 2009 under section 5304 of such title (whether
12 by adjustment or otherwise), and the overall av-
13 erage percentage of such payments which was
14 effective in the previous fiscal year under such
15 section.

16 (b) Notwithstanding any other provision of law, no
17 prevailing rate employee described in subparagraph (B) or
18 (C) of section 5342(a)(2) of title 5, United States Code,
19 and no employee covered by section 5348 of such title,
20 may be paid during the periods for which subsection (a)
21 is in effect at a rate that exceeds the rates that would
22 be payable under subsection (a) were subsection (a) appli-
23 cable to such employee.

24 (c) For the purposes of this section, the rates payable
25 to an employee who is covered by this section and who

1 is paid from a schedule not in existence on September 30,
2 2008, shall be determined under regulations prescribed by
3 the Office of Personnel Management.

4 (d) Notwithstanding any other provision of law, rates
5 of premium pay for employees subject to this section may
6 not be changed from the rates in effect on September 30,
7 2008, except to the extent determined by the Office of
8 Personnel Management to be consistent with the purpose
9 of this section.

10 (e) This section shall apply with respect to pay for
11 service performed after September 30, 2008.

12 (f) For the purpose of administering any provision
13 of law (including any rule or regulation that provides pre-
14 mium pay, retirement, life insurance, or any other em-
15 ployee benefit) that requires any deduction or contribu-
16 tion, or that imposes any requirement or limitation on the
17 basis of a rate of salary or basic pay, the rate of salary
18 or basic pay payable after the application of this section
19 shall be treated as the rate of salary or basic pay.

20 (g) Nothing in this section shall be considered to per-
21 mit or require the payment to any employee covered by
22 this section at a rate in excess of the rate that would be
23 payable were this section not in effect.

24 (h) The Office of Personnel Management may provide
25 for exceptions to the limitations imposed by this section

1 if the Office determines that such exceptions are necessary
2 to ensure the recruitment or retention of qualified employ-
3 ees.

4 SEC. 711. During the period in which the head of
5 any department or agency, or any other officer or civilian
6 employee of the Federal Government appointed by the
7 President of the United States, holds office, no funds may
8 be obligated or expended in excess of \$5,000 to furnish
9 or redecorate the office of such department head, agency
10 head, officer, or employee, or to purchase furniture or
11 make improvements for any such office, unless advance
12 notice of such furnishing or redecoration is transmitted
13 to the Committees on Appropriations of the House of Rep-
14 resentatives and the Senate. For the purposes of this sec-
15 tion, the term “office” shall include the entire suite of of-
16 fices assigned to the individual, as well as any other space
17 used primarily by the individual or the use of which is
18 directly controlled by the individual.

19 SEC. 712. Notwithstanding section 1346 of title 31,
20 United States Code, or section 708 of this Act, funds
21 made available for the current fiscal year by this or any
22 other Act shall be available for the interagency funding
23 of national security and emergency preparedness tele-
24 communications initiatives which benefit multiple Federal

1 departments, agencies, or entities, as provided by Execu-
2 tive Order No. 12472 (April 3, 1984).

3 SEC. 713. (a) None of the funds appropriated by this
4 or any other Act may be obligated or expended by any
5 Federal department, agency, or other instrumentality for
6 the salaries or expenses of any employee appointed to a
7 position of a confidential or policy-determining character
8 excepted from the competitive service pursuant to section
9 3302 of title 5, United States Code, without a certification
10 to the Office of Personnel Management from the head of
11 the Federal department, agency, or other instrumentality
12 employing the Schedule C appointee that the Schedule C
13 position was not created solely or primarily in order to
14 detail the employee to the White House.

15 (b) The provisions of this section shall not apply to
16 Federal employees or members of the armed forces de-
17 tailed to or from—

- 18 (1) the Central Intelligence Agency;
- 19 (2) the National Security Agency;
- 20 (3) the Defense Intelligence Agency;
- 21 (4) the National Geospatial-Intelligence Agency;
- 22 (5) the offices within the Department of De-
23 fense for the collection of specialized national foreign
24 intelligence through reconnaissance programs;

1 (6) the Bureau of Intelligence and Research of
2 the Department of State;

3 (7) any agency, office, or unit of the Army,
4 Navy, Air Force, and Marine Corps, the Department
5 of Homeland Security, the Federal Bureau of Inves-
6 tigation and the Drug Enforcement Administration
7 of the Department of Justice, the Department of
8 Transportation, the Department of the Treasury,
9 and the Department of Energy performing intel-
10 ligence functions; and

11 (8) the Director of National Intelligence or the
12 Office of the Director of National Intelligence.

13 SEC. 714. No part of any appropriation contained in
14 this or any other Act shall be available for the payment
15 of the salary of any officer or employee of the Federal
16 Government, who—

17 (1) prohibits or prevents, or attempts or threat-
18 ens to prohibit or prevent, any other officer or em-
19 ployee of the Federal Government from having any
20 direct oral or written communication or contact with
21 any Member, committee, or subcommittee of the
22 Congress in connection with any matter pertaining
23 to the employment of such other officer or employee
24 or pertaining to the department or agency of such
25 other officer or employee in any way, irrespective of

1 whether such communication or contact is at the ini-
2 tiative of such other officer or employee or in re-
3 sponse to the request or inquiry of such Member,
4 committee, or subcommittee; or

5 (2) removes, suspends from duty without pay,
6 demotes, reduces in rank, seniority, status, pay, or
7 performance or efficiency rating, denies promotion
8 to, relocates, reassigns, transfers, disciplines, or dis-
9 criminates in regard to any employment right, enti-
10 tlement, or benefit, or any term or condition of em-
11 ployment of, any other officer or employee of the
12 Federal Government, or attempts or threatens to
13 commit any of the foregoing actions with respect to
14 such other officer or employee, by reason of any
15 communication or contact of such other officer or
16 employee with any Member, committee, or sub-
17 committee of the Congress as described in paragraph
18 (1).

19 SEC. 715. (a) None of the funds made available in
20 this or any other Act may be obligated or expended for
21 any employee training that—

22 (1) does not meet identified needs for knowl-
23 edge, skills, and abilities bearing directly upon the
24 performance of official duties;

1 (2) contains elements likely to induce high lev-
2 els of emotional response or psychological stress in
3 some participants;

4 (3) does not require prior employee notification
5 of the content and methods to be used in the train-
6 ing and written end of course evaluation;

7 (4) contains any methods or content associated
8 with religious or quasi-religious belief systems or
9 “new age” belief systems as defined in Equal Em-
10 ployment Opportunity Commission Notice N-
11 915.022, dated September 2, 1988; or

12 (5) is offensive to, or designed to change, par-
13 ticipants’ personal values or lifestyle outside the
14 workplace.

15 (b) Nothing in this section shall prohibit, restrict, or
16 otherwise preclude an agency from conducting training
17 bearing directly upon the performance of official duties.

18 SEC. 716. No funds appropriated in this or any other
19 Act may be used to implement or enforce the agreements
20 in Standard Forms 312 and 4414 of the Government or
21 any other nondisclosure policy, form, or agreement if such
22 policy, form, or agreement does not contain the following
23 provisions: “These restrictions are consistent with and do
24 not supersede, conflict with, or otherwise alter the em-
25 ployee obligations, rights, or liabilities created by Execu-

1 tive Order No. 12958; section 7211 of title 5, United
2 States Code (governing disclosures to Congress); section
3 1034 of title 10, United States Code, as amended by the
4 Military Whistleblower Protection Act (governing disclo-
5 sure to Congress by members of the military); section
6 2302(b)(8) of title 5, United States Code, as amended by
7 the Whistleblower Protection Act of 1989 (governing dis-
8 closures of illegality, waste, fraud, abuse or public health
9 or safety threats); the Intelligence Identities Protection
10 Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures
11 that could expose confidential Government agents); and
12 the statutes which protect against disclosure that may
13 compromise the national security, including sections 641,
14 793, 794, 798, and 952 of title 18, United States Code,
15 and section 4(b) of the Subversive Activities Act of 1950
16 (50 U.S.C. 783(b)). The definitions, requirements, obliga-
17 tions, rights, sanctions, and liabilities created by said Ex-
18 ecutive order and listed statutes are incorporated into this
19 agreement and are controlling.”: *Provided*, That notwith-
20 standing the preceding paragraph, a nondisclosure policy
21 form or agreement that is to be executed by a person con-
22 nected with the conduct of an intelligence or intelligence-
23 related activity, other than an employee or officer of the
24 United States Government, may contain provisions appro-
25 priate to the particular activity for which such document

1 is to be used. Such form or agreement shall, at a min-
2 imum, require that the person will not disclose any classi-
3 fied information received in the course of such activity un-
4 less specifically authorized to do so by the United States
5 Government. Such nondisclosure forms shall also make it
6 clear that they do not bar disclosures to Congress, or to
7 an authorized official of an executive agency or the De-
8 partment of Justice, that are essential to reporting a sub-
9 stantial violation of law.

10 SEC. 717. No part of any funds appropriated in this
11 or any other Act shall be used by an agency of the execu-
12 tive branch, other than for normal and recognized execu-
13 tive-legislative relationships, for publicity or propaganda
14 purposes, and for the preparation, distribution or use of
15 any kit, pamphlet, booklet, publication, radio, television,
16 or film presentation designed to support or defeat legisla-
17 tion pending before the Congress, except in presentation
18 to the Congress itself.

19 SEC. 718. None of the funds appropriated by this or
20 any other Act may be used by an agency to provide a Fed-
21 eral employee's home address to any labor organization
22 except when the employee has authorized such disclosure
23 or when such disclosure has been ordered by a court of
24 competent jurisdiction.

1 SEC. 719. None of the funds made available in this
2 Act or any other Act may be used to provide any non-
3 public information such as mailing or telephone lists to
4 any person or any organization outside of the Federal
5 Government without the approval of the Committees on
6 Appropriations of the House of Representatives and the
7 Senate.

8 SEC. 720. No part of any appropriation contained in
9 this or any other Act shall be used directly or indirectly,
10 including by private contractor, for publicity or propa-
11 ganda purposes within the United States not heretofor au-
12 thorized by the Congress.

13 SEC. 721. (a) In this section, the term “agency”—

14 (1) means an Executive agency, as defined
15 under section 105 of title 5, United States Code;

16 (2) includes a military department, as defined
17 under section 102 of such title, the Postal Service,
18 and the Postal Regulatory Commission; and

19 (3) shall not include the Government Account-
20 ability Office.

21 (b) Unless authorized in accordance with law or regu-
22 lations to use such time for other purposes, an employee
23 of an agency shall use official time in an honest effort
24 to perform official duties. An employee not under a leave
25 system, including a Presidential appointee exempted under

1 section 6301(2) of title 5, United States Code, has an obli-
2 gation to expend an honest effort and a reasonable propor-
3 tion of such employee's time in the performance of official
4 duties.

5 SEC. 722. Notwithstanding 31 U.S.C. 1346 and sec-
6 tion 708 of this Act, funds made available for the current
7 fiscal year by this or any other Act to any department
8 or agency, which is a member of the Federal Accounting
9 Standards Advisory Board (FASAB), shall be available to
10 finance an appropriate share of FASAB administrative
11 costs.

12 (TRANSFER OF FUNDS)

13 SEC. 723. Notwithstanding 31 U.S.C. 1346 and sec-
14 tion 708 of this Act, the head of each Executive depart-
15 ment and agency is hereby authorized to transfer to or
16 reimburse "General Services Administration, Government-
17 wide Policy" with the approval of the Director of the Of-
18 fice of Management and Budget, funds made available for
19 the current fiscal year by this or any other Act, including
20 rebates from charge card and other contracts: *Provided*,
21 That these funds shall be administered by the Adminis-
22 trator of General Services to support Government-wide fi-
23 nancial, information technology, procurement, and other
24 management innovations, initiatives, and activities, as ap-
25 proved by the Director of the Office of Management and

1 Budget, in consultation with the appropriate interagency
2 groups designated by the Director (including the Presi-
3 dent's Management Council for overall management im-
4 provement initiatives, the Chief Financial Officers Council
5 for financial management initiatives, the Chief Informa-
6 tion Officers Council for information technology initia-
7 tives, the Chief Human Capital Officers Council for
8 human capital initiatives, and the Chief Acquisition Offi-
9 cers Council for procurement initiatives): *Provided further*,
10 That the total funds transferred or reimbursed shall not
11 exceed \$11,700,000: *Provided further*, That such transfers
12 or reimbursements may only be made after 15 days fol-
13 lowing notification of the Committees on Appropriations
14 by the Director of the Office of Management and Budget.

15 SEC. 724. Notwithstanding any other provision of
16 law, a woman may breastfeed her child at any location
17 in a Federal building or on Federal property, if the woman
18 and her child are otherwise authorized to be present at
19 the location.

20 SEC. 725. Notwithstanding section 1346 of title 31,
21 United States Code, or section 708 of this Act, funds
22 made available for the current fiscal year by this or any
23 other Act shall be available for the interagency funding
24 of specific projects, workshops, studies, and similar efforts
25 to carry out the purposes of the National Science and

1 Technology Council (authorized by Executive Order No.
2 12881), which benefit multiple Federal departments,
3 agencies, or entities: *Provided*, That the Office of Manage-
4 ment and Budget shall provide a report describing the
5 budget of and resources connected with the National
6 Science and Technology Council to the Committees on Ap-
7 propriations, the House Committee on Science and Tech-
8 nology, and the Senate Committee on Commerce, Science,
9 and Transportation 90 days after enactment of this Act.

10 SEC. 726. Any request for proposals, solicitation,
11 grant application, form, notification, press release, or
12 other publications involving the distribution of Federal
13 funds shall indicate the agency providing the funds, the
14 Catalog of Federal Domestic Assistance Number, as appli-
15 cable, and the amount provided: *Provided*, That this provi-
16 sion shall apply to direct payments, formula funds, and
17 grants received by a State receiving Federal funds.

18 SEC. 727. (a) PROHIBITION OF FEDERAL AGENCY
19 MONITORING OF INDIVIDUALS' INTERNET USE.—None of
20 the funds made available in this or any other Act may
21 be used by any Federal agency—

22 (1) to collect, review, or create any aggregation
23 of data, derived from any means, that includes any
24 personally identifiable information relating to an in-

1 dividual's access to or use of any Federal Govern-
2 ment Internet site of the agency; or

3 (2) to enter into any agreement with a third
4 party (including another government agency) to col-
5 lect, review, or obtain any aggregation of data, de-
6 rived from any means, that includes any personally
7 identifiable information relating to an individual's
8 access to or use of any nongovernmental Internet
9 site.

10 (b) EXCEPTIONS.—The limitations established in
11 subsection (a) shall not apply to—

12 (1) any record of aggregate data that does not
13 identify particular persons;

14 (2) any voluntary submission of personally iden-
15 tifiable information;

16 (3) any action taken for law enforcement, regu-
17 latory, or supervisory purposes, in accordance with
18 applicable law; or

19 (4) any action described in subsection (a)(1)
20 that is a system security action taken by the oper-
21 ator of an Internet site and is necessarily incident
22 to providing the Internet site services or to pro-
23 tecting the rights or property of the provider of the
24 Internet site.

25 (c) DEFINITIONS.—For the purposes of this section:

1 (1) The term “regulatory” means agency ac-
2 tions to implement, interpret or enforce authorities
3 provided in law.

4 (2) The term “supervisory” means examina-
5 tions of the agency’s supervised institutions, includ-
6 ing assessing safety and soundness, overall financial
7 condition, management practices and policies and
8 compliance with applicable standards as provided in
9 law.

10 SEC. 728. (a) None of the funds appropriated by this
11 Act may be used to enter into or renew a contract which
12 includes a provision providing prescription drug coverage,
13 except where the contract also includes a provision for con-
14 traceptive coverage.

15 (b) Nothing in this section shall apply to a contract
16 with—

17 (1) any of the following religious plans:

18 (A) Personal Care’s HMO; and

19 (B) OSF HealthPlans, Inc.; and

20 (2) any existing or future plan, if the carrier
21 for the plan objects to such coverage on the basis of
22 religious beliefs.

23 (c) In implementing this section, any plan that enters
24 into or renews a contract under this section may not sub-
25 ject any individual to discrimination on the basis that the

1 individual refuses to prescribe or otherwise provide for
2 contraceptives because such activities would be contrary
3 to the individual's religious beliefs or moral convictions.

4 (d) Nothing in this section shall be construed to re-
5 quire coverage of abortion or abortion-related services.

6 SEC. 729. The Congress of the United States recog-
7 nizes the United States Anti-Doping Agency (USADA) as
8 the official anti-doping agency for Olympic, Pan Amer-
9 ican, and Paralympic sport in the United States.

10 SEC. 730. Notwithstanding any other provision of
11 law, funds appropriated for official travel by Federal de-
12 partments and agencies may be used by such departments
13 and agencies, if consistent with Office of Management and
14 Budget Circular A-126 regarding official travel for Gov-
15 ernment personnel, to participate in the fractional aircraft
16 ownership pilot program.

17 SEC. 731. Notwithstanding any other provision of
18 law, none of the funds appropriated or made available
19 under this Act or any other appropriations Act may be
20 used to implement or enforce restrictions or limitations on
21 the Coast Guard Congressional Fellowship Program, or to
22 implement the proposed regulations of the Office of Per-
23 sonnel Management to add sections 300.311 through
24 300.316 to part 300 of title 5 of the Code of Federal Reg-
25 ulations, published in the Federal Register, volume 68,

1 number 174, on September 9, 2003 (relating to the detail
2 of executive branch employees to the legislative branch).

3 SEC. 732. Notwithstanding any other provision of
4 law, no executive branch agency shall purchase, construct,
5 and/or lease any additional facilities, except within or con-
6 tiguous to existing locations, to be used for the purpose
7 of conducting Federal law enforcement training without
8 the advance approval of the Committees on Appropria-
9 tions, except that the Federal Law Enforcement Training
10 Center is authorized to obtain the temporary use of addi-
11 tional facilities by lease, contract, or other agreement for
12 training which cannot be accommodated in existing Center
13 facilities.

14 SEC. 733. (a) For fiscal year 2009, no funds shall
15 be available for transfers or reimbursements to the E-Gov-
16 ernment initiatives sponsored by the Office of Manage-
17 ment and Budget prior to 15 days following submission
18 of a report to the Committees on Appropriations by the
19 Director of the Office of Management and Budget and re-
20 ceipt of approval to transfer funds by the Committees on
21 Appropriations of the House of Representatives and the
22 Senate. This report shall include at a minimum—

23 (1) a description of each initiative includ-
24 ing but not limited to its objectives, benefits,
25 development status, risks, cost effectiveness (in-

cluding estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(b) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 734. Section 739(a)(1) of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2029) is amended by striking “more than 10”.

SEC. 735. Section 739 of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2030) is amended by striking subsection (b) and inserting the following:

1 “(b) GUIDELINES ON INSOURCING NEW AND CON-
2 TRACTED OUT FUNCTIONS.—

3 “(1) GUIDELINES REQUIRED.—(A) The heads
4 of executive agencies subject to the Federal Activi-
5 ties Inventory Reform Act of 1998 (Public Law
6 105–270; 31 U.S.C. 501 note) shall devise and im-
7 plement guidelines and procedures to ensure that
8 consideration is given to using, on a regular basis,
9 Federal employees to perform new functions and
10 functions that are performed by contractors and
11 could be performed by Federal employees.

12 “(B) The guidelines and procedures required
13 under subparagraph (A) may not include any spe-
14 cific limitation or restriction on the number of func-
15 tions or activities that may be converted to perform-
16 ance by Federal employees.

17 “(2) SPECIAL CONSIDERATION FOR CERTAIN
18 FUNCTIONS.—The guidelines and procedures re-
19 quired under paragraph (1) shall provide for special
20 consideration to be given to using Federal employees
21 to perform any function that—

22 “(A) is performed by a contractor and—

23 “(i) has been performed by Federal
24 employees at any time during the previous
25 10 years;

1 “(ii) is a function closely associated
2 with the performance of an inherently gov-
3 ernmental function;

4 “(iii) has been performed pursuant to
5 a contract awarded on a non-competitive
6 basis; or

7 “(iv) has been performed poorly, as
8 determined by a contracting officer during
9 the 5-year period preceding the date of
10 such determination, because of excessive
11 costs or inferior quality; or

12 “(B) is a new requirement, with particular
13 emphasis given to a new requirement that is
14 similar to a function previously performed by
15 Federal employees or is a function closely asso-
16 ciated with the performance of an inherently
17 governmental function.

18 “(3) EXCLUSION OF CERTAIN FUNCTIONS FROM
19 COMPETITIONS.—The head of an executive agency
20 may not conduct a public-private competition under
21 Office of Management and Budget Circular A–76 or
22 any other provision of law or regulation before—

23 “(A) in the case of a new agency function,
24 assigning the performance of the function to
25 Federal employees;

1 “(B) in the case of any agency function de-
2 scribed in paragraph (2), converting the func-
3 tion to performance by Federal employees; or

4 “(C) in the case of an agency function per-
5 formed by Federal employees, expanding the
6 scope of the function.

7 “(4) DEADLINE.—(A) The head of each execu-
8 tive agency shall implement the guidelines and pro-
9 cedures required under this subsection by not later
10 than 120 days after the date of the enactment of
11 this subsection.

12 “(B) Not later than 120 days after the date of
13 the enactment of this subsection, the Government
14 Accountability Office shall submit a report on the
15 implementation of this subsection to the Committees
16 on Appropriations of the House of Representatives
17 and the Senate, the Committee on Oversight and
18 Government Reform of the House of Representa-
19 tives, and the Committee on Homeland Security and
20 Governmental Affairs of the Senate.

21 “(5) DEFINITIONS.—In this subsection:

22 “(A) The term ‘inherently governmental
23 functions’ has the meaning given such term in
24 subpart 7.5 of part 7 of the Federal Acquisition
25 Regulation.

1 “(B) The term ‘functions closely associated
2 with inherently governmental functions’ means
3 the functions described in section 7.503(d) of
4 the Federal Acquisition Regulation.

5 “(6) APPLICABILITY.—This subsection shall not
6 apply to the Department of Defense.”.

7 SEC. 736. None of the funds appropriated or other-
8 wise made available by this or any other Act may be used
9 to begin or announce a study or public-private competition
10 regarding the conversion to contractor performance of any
11 function performed by Federal employees pursuant to Of-
12 fice of Management and Budget Circular A-76 or any
13 other administrative regulation, directive, or policy.

14 SEC. 737. (a) The adjustment in rates of basic pay
15 for employees under the statutory pay systems that takes
16 effect in fiscal year 2009 under sections 5303 and 5304
17 of title 5, United States Code, shall be an increase of 3.9
18 percent, and this adjustment shall apply to civilian em-
19 ployees in the Department of Homeland Security. Such
20 adjustment shall be effective as of the first day of the first
21 applicable pay period beginning on or after January 1,
22 2009.

23 (b) Notwithstanding section 710 of this Act, the ad-
24 justment in rates of basic pay for the statutory pay sys-
25 tems that take place in fiscal year 2009 under sections

1 5344 and 5348 of title 5, United States Code, shall be
2 no less than the percentage in subsection (a) as employees
3 in the same location whose rates of basic pay are adjusted
4 pursuant to the statutory pay systems under section 5303
5 and 5304 of title 5, United States Code. Prevailing rate
6 employees at locations where there are no employees whose
7 pay is increased pursuant to sections 5303 and 5304 of
8 title 5 and prevailing rate employees described in section
9 5343(a)(5) of title 5 shall be considered to be located in
10 the pay locality designated as “Rest of US” pursuant to
11 section 5304 of title 5 for purposes of this subsection.

12 (c) Funds used to carry out this section shall be paid
13 from appropriations, which are made to each applicable
14 department or agency for salaries and expenses for fiscal
15 year 2009.

16 SEC. 738. Unless otherwise authorized by existing
17 law, none of the funds provided in this Act or any other
18 Act may be used by an executive branch agency to produce
19 any prepackaged news story intended for broadcast or dis-
20 tribution in the United States, unless the story includes
21 a clear notification within the text or audio of the pre-
22 packaged news story that the prepackaged news story was
23 prepared or funded by that executive branch agency.

24 SEC. 739. None of the funds made available in this
25 Act may be used in contravention of section 552a of title

1 5, United States Code (popularly known as the Privacy
2 Act) and regulations implementing that section.

3 SEC. 740. Each executive department and agency
4 shall evaluate the creditworthiness of an individual before
5 issuing the individual a government travel charge card.
6 Such evaluations for individually-billed travel charge cards
7 shall include an assessment of the individual's consumer
8 report from a consumer reporting agency as those terms
9 are defined in section 603 of the Fair Credit Reporting
10 Act (Public Law 91–508): *Provided*, That the department
11 or agency may not issue a government travel charge card
12 to an individual that either lacks a credit history or is
13 found to have an unsatisfactory credit history as a result
14 of this evaluation: *Provided further*, That this restriction
15 shall not preclude issuance of a restricted-use charge,
16 debit, or stored value card made in accordance with agency
17 procedures to: (1) an individual with an unsatisfactory
18 credit history where such card is used to pay travel ex-
19 penses and the agency determines there is no suitable al-
20 ternative payment mechanism available before issuing the
21 card; or (2) an individual who lacks a credit history. Each
22 executive department and agency shall establish guidelines
23 and procedures for disciplinary actions to be taken against
24 agency personnel for improper, fraudulent, or abusive use
25 of government charge cards, which shall include appro-

1 puate disciplinary actions for use of charge cards for pur-
2 poses, and at establishments, that are inconsistent with
3 the official business of the Department or agency or with
4 applicable standards of conduct.

5 SEC. 741. CROSSCUT BUDGET.—(a) DEFINITIONS.—
6 For purposes of this section the following definitions
7 apply:

8 (1) GREAT LAKES.—The terms “Great Lakes”
9 and “Great Lakes State” have the same meanings
10 as such terms have in section 506 of the Water Re-
11 sources Development Act of 2000 (42 U.S.C.
12 1962d–22).

13 (2) GREAT LAKES RESTORATION ACTIVITIES.—
14 The term “Great Lakes restoration activities”
15 means any Federal or State activity primarily or en-
16 tirely within the Great Lakes watershed that seeks
17 to improve the overall health of the Great Lakes eco-
18 system.

19 (b) REPORT.—Not later than 45 days after submis-
20 sion of the budget of the President to Congress, the Direc-
21 tor of the Office of Management and Budget, in coordina-
22 tion with the Governor of each Great Lakes State and the
23 Great Lakes Interagency Task Force, shall submit to the
24 appropriate authorizing and appropriating committees of
25 the Senate and the House of Representatives a financial

1 report, certified by the Secretary of each agency that has
2 budget authority for Great Lakes restoration activities,
3 containing—

4 (1) an interagency budget crosscut report
5 that—

6 (A) displays the budget proposed, including
7 any planned interagency or intra-agency trans-
8 fer, for each of the Federal agencies that car-
9 ries out Great Lakes restoration activities in
10 the upcoming fiscal year, separately reporting
11 the amount of funding to be provided under ex-
12 isting laws pertaining to the Great Lakes eco-
13 system; and

14 (B) identifies all expenditures since fiscal
15 year 2004 by the Federal Government and
16 State governments for Great Lakes restoration
17 activities;

18 (2) a detailed accounting of all funds received
19 and obligated by all Federal agencies and, to the ex-
20 tent available, State agencies using Federal funds,
21 for Great Lakes restoration activities during the cur-
22 rent and previous fiscal years;

23 (3) a budget for the proposed projects (includ-
24 ing a description of the project, authorization level,
25 and project status) to be carried out in the upcom-

1 ing fiscal year with the Federal portion of funds for
2 activities; and

3 (4) a listing of all projects to be undertaken in
4 the upcoming fiscal year with the Federal portion of
5 funds for activities.

6 SEC. 742. (a) IN GENERAL.—None of the funds ap-
7 propriated or otherwise made available by this or any
8 other Act may be used for any Federal Government con-
9 tract with any foreign incorporated entity which is treated
10 as an inverted domestic corporation under section 835(b)
11 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
12 or any subsidiary of such an entity.

13 (b) WAIVERS.—

14 (1) IN GENERAL.—Any Secretary shall waive
15 subsection (a) with respect to any Federal Govern-
16 ment contract under the authority of such Secretary
17 if the Secretary determines that the waiver is re-
18 quired in the interest of national security.

19 (2) REPORT TO CONGRESS.—Any Secretary
20 issuing a waiver under paragraph (1) shall report
21 such issuance to Congress.

22 (c) EXCEPTIONS.—This section shall not apply to—

23 (1) any Federal Government contract entered
24 into before the date of the enactment of this Act (or

1 any task order issued pursuant to such a contract);
2 or

3 (2) any Federal Government contract for arti-
4 cles, materials and supplies that is in compliance
5 with the Buy American Act (41 U.S.C. 10a–10e).

6 SEC. 743. (a) Each executive department and agency
7 shall establish and maintain on the homepage of its
8 website, an obvious, direct link to the website of its respec-
9 tive Inspector General.

10 (b) Each Office of Inspector General shall: (1) post
11 on its website any public report or audit or portion of any
12 report or audit issued within one day of its release; (2)
13 provide a service on its website to allow an individual to
14 request automatic receipt of information relating to any
15 public report or audit or portion of that report or audit
16 and which permits electronic transmittal of the informa-
17 tion, or notice of the availability of the information with-
18 out further request; and (3) establish and maintain a di-
19 rect link on its website for individuals to anonymously re-
20 port waste, fraud and abuse.

21 SEC. 744. Notwithstanding any other provision of
22 law, a public or private institution of higher education may
23 offer or provide an officer or employee of any branch of
24 the United States Government or of the District of Colum-
25 bia, who is a current or former student of such institution,

1 financial assistance for the purpose of repaying a student
2 loan or forbearance of student loan repayment, and an of-
3 ficer or employee of any branch of the United States Gov-
4 ernment or of the District of Columbia may seek or receive
5 such assistance or forbearance.

6 SEC. 745. None of the funds made available by this
7 or any other Act may be used to implement, administer,
8 enforce, or apply the rule entitled “Competitive Area”
9 published by the Office of Personnel Management in the
10 Federal Register on April 15, 2008 (73 Fed. Reg. 20180
11 et seq.).

12 SEC. 746. None of the funds made available by this
13 or any other Act may be used to implement, administer,
14 or enforce section 5(b) of Executive Order 13422 (72 Fed.
15 Reg. 2763; relating to Regulatory Policy Officer).

16 SEC. 747. Executive Order 13423 (72 Fed. Reg.
17 3919; Jan. 24, 2007) shall remain in effect hereafter ex-
18 cept as otherwise provided by law after the date of the
19 enactment of this Act.

20 SEC. 748. Except as expressly provided otherwise,
21 any reference to “this Act” contained in any title other
22 than title IV or VIII shall not apply to such title IV or
23 VIII.

1 TITLE VIII
2 GENERAL PROVISIONS—DISTRICT OF
3 COLUMBIA

4 SEC. 801. Whenever in this Act, an amount is speci-
5 fied within an appropriation for particular purposes or ob-
6 jects of expenditure, such amount, unless otherwise speci-
7 fied, shall be considered as the maximum amount that
8 may be expended for said purpose or object rather than
9 an amount set apart exclusively therefor.

10 SEC. 802. Appropriations in this Act shall be avail-
11 able for expenses of travel and for the payment of dues
12 of organizations concerned with the work of the District
13 of Columbia government, when authorized by the Mayor,
14 or, in the case of the Council of the District of Columbia,
15 funds may be expended with the authorization of the
16 Chairman of the Council.

17 SEC. 803. There are appropriated from the applicable
18 funds of the District of Columbia such sums as may be
19 necessary for making refunds and for the payment of legal
20 settlements or judgments that have been entered against
21 the District of Columbia government.

22 SEC. 804. (a) None of the Federal funds provided in
23 this Act shall be used for publicity or propaganda purposes
24 or implementation of any policy including boycott designed

1 to support or defeat legislation pending before Congress
2 or any State legislature.

3 (b) The District of Columbia may use local funds pro-
4 vided in this title to carry out lobbying activities on any
5 matter.

6 SEC. 805. (a) None of the funds provided under this
7 Act to the agencies funded by this Act, both Federal and
8 District government agencies, that remain available for
9 obligation or expenditure in fiscal year 2009, or provided
10 from any accounts in the Treasury of the United States
11 derived by the collection of fees available to the agencies
12 funded by this Act, shall be available for obligation or ex-
13 penditures for an agency through a reprogramming of
14 funds which—

15 (1) creates new programs;

16 (2) eliminates a program, project, or responsi-
17 bility center;

18 (3) establishes or changes allocations specifi-
19 cally denied, limited or increased under this Act;

20 (4) increases funds or personnel by any means
21 for any program, project, or responsibility center for
22 which funds have been denied or restricted;

23 (5) reestablishes any program or project pre-
24 viously deferred through reprogramming;

1 (6) augments any existing program, project, or
2 responsibility center through a reprogramming of
3 funds in excess of \$3,000,000 or 10 percent, which-
4 ever is less; or

5 (7) increases by 20 percent or more personnel
6 assigned to a specific program, project or responsi-
7 bility center,

8 unless in the case of Federal funds, the Committees on
9 Appropriations of the House of Representatives and Sen-
10 ate are notified in writing 15 days in advance of the re-
11 programming and in the case of local funds, the Commit-
12 tees on Appropriations of the House of Representatives
13 and Senate are provided summary reports on April 1,
14 2009 and October 1, 2009, setting forth detailed informa-
15 tion regarding each such local funds reprogramming con-
16 ducted subject to this subsection.

17 (b) None of the local funds contained in this Act may
18 be available for obligation or expenditure for an agency
19 through a transfer of any local funds in excess of
20 \$3,000,000 from one appropriation heading to another un-
21 less the Committees on Appropriations of the House of
22 Representatives and Senate are provided summary reports
23 on April 1, 2009 and October 1, 2009, setting forth de-
24 tailed information regarding each reprogramming con-
25 ducted subject to this subsection, except that in no event

1 may the amount of any funds transferred exceed 4 percent
2 of the local funds in the appropriations.

3 (c) The District of Columbia government is author-
4 ized to approve and execute reprogramming and transfer
5 requests of local funds under this title through December
6 1, 2009.

7 SEC. 806. Consistent with the provisions of section
8 1301(a) of title 31, United States Code, appropriations
9 under this Act shall be applied only to the objects for
10 which the appropriations were made except as otherwise
11 provided by law.

12 SEC. 807. None of the Federal funds made available
13 in this Act may be used to implement or enforce the
14 Health Care Benefits Expansion Act of 1992 (D.C. Law
15 9–114; D.C. Official Code, sec. 32–701 et seq.) or to oth-
16 erwise implement or enforce any system of registration of
17 unmarried, cohabiting couples, including but not limited
18 to registration for the purpose of extending employment,
19 health, or governmental benefits to such couples on the
20 same basis that such benefits are extended to legally mar-
21 ried couples.

22 SEC. 808. (a) Section 446B(f) of the District of Co-
23 lumbia Home Rule Act (sec. 1–204.46b(f), D.C. Official
24 Code) is amended by striking “fiscal years 2006 through

1 2008” and inserting “fiscal year 2006 and each suc-
2 ceeding fiscal year”.

3 (b) The amendment made by subsection (a) shall take
4 effect as if included in the enactment of the 2005 District
5 of Columbia Omnibus Authorization Act.

6 SEC. 809. Except as otherwise provided in this sec-
7 tion, none of the funds made available by this Act or by
8 any other Act may be used to provide any officer or em-
9 ployee of the District of Columbia with an official vehicle
10 unless the officer or employee uses the vehicle only in the
11 performance of the officer’s or employee’s official duties.
12 For purposes of this section, the term “official duties”
13 does not include travel between the officer’s or employee’s
14 residence and workplace, except in the case of—

15 (1) an officer or employee of the Metropolitan
16 Police Department who resides in the District of Co-
17 lumbia or a District of Columbia government em-
18 ployee as may otherwise be designated by the Chief
19 of the Department;

20 (2) at the discretion of the Fire Chief, an offi-
21 cer or employee of the District of Columbia Fire and
22 Emergency Medical Services Department who re-
23 sides in the District of Columbia and is on call 24
24 hours a day or is otherwise designated by the Fire
25 Chief;

1 (3) at the discretion of the Director of the De-
2 partment of Corrections, an officer or employee of
3 the District of Columbia Department of Corrections
4 who resides in the District of Columbia and is on
5 call 24 hours a day or is otherwise designated by the
6 Director;

7 (4) the Mayor of the District of Columbia; and

8 (5) the Chairman of the Council of the District
9 of Columbia.

10 SEC. 810. (a) None of the Federal funds contained
11 in this Act may be used by the District of Columbia Office
12 of Attorney General or any other officer or entity of the
13 District government to provide assistance for any petition
14 drive or civil action which seeks to require Congress to
15 provide for voting representation in Congress for the Dis-
16 trict of Columbia.

17 (b) Nothing in this section bars the District of Co-
18 lumbia Office of Attorney General from reviewing or com-
19 menting on briefs in private lawsuits, or from consulting
20 with officials of the District government regarding such
21 lawsuits.

22 SEC. 811. None of the Federal funds contained in
23 this Act may be used for any program of distributing ster-
24 ile needles or syringes for the hypodermic injection of any
25 illegal drug.

1 SEC. 812. Nothing in this Act may be construed to
2 prevent the Council or Mayor of the District of Columbia
3 from addressing the issue of the provision of contraceptive
4 coverage by health insurance plans, but it is the intent
5 of Congress that any legislation enacted on such issue
6 should include a “conscience clause” which provides excep-
7 tions for religious beliefs and moral convictions.

8 SEC. 813. (a) No later than 30 calendar days after
9 the date of the enactment of this Act, the Chief Financial
10 Officer of the District of Columbia shall submit to the ap-
11 propriate committees of Congress, the Mayor, and the
12 Council of the District of Columbia a revised appropriated
13 funds operating budget in the format of the budget that
14 the District of Columbia government submitted pursuant
15 to section 442 of the District of Columbia Home Rule Act
16 (D.C. Official Code, sec. 1–204.42), for all agencies of the
17 District of Columbia government for fiscal year 2009 that
18 is in the total amount of the approved appropriation and
19 that realigns all budgeted data for personal services and
20 other-than-personal-services, respectively, with anticipated
21 actual expenditures.

22 (b) This section shall apply only to an agency where
23 the Chief Financial Officer of the District of Columbia
24 certifies that a reallocation is required to address unantici-
25 pated changes in program requirements.

1 SEC. 814. (a) Notwithstanding section 615(i)(3)(B)
2 of the Individuals With Disabilities Education Act (20
3 U.S.C. 1415(i)(3)(B)), none of the funds contained in this
4 Act or in any other Act making appropriations for the gov-
5 ernment of the District of Columbia for fiscal year 2009
6 or any succeeding fiscal year may be made available—

7 (1) to pay the fees of an attorney who rep-
8 represents a party in or defends an IDEA proceeding
9 which was initiated prior to the date of the enact-
10 ment of this Act in an amount in excess of \$4,000
11 for that proceeding; or

12 (2) to pay the fees of an attorney or firm who
13 represents a party in or defends an IDEA pro-
14 ceeding which was initiated prior to the date of the
15 enactment of this Act if the Chief Financial Officer
16 of the District of Columbia determines that the at-
17 torney or firm has a pecuniary interest (either di-
18 rectly or through an attorney, officer, or employee of
19 the firm) in any special education diagnostic services
20 or schools or other special education service pro-
21 viders.

22 (b) In this section, the term “IDEA proceeding”
23 means any action or administrative proceeding (including
24 any ensuing or related proceedings before a court of com-
25 petent jurisdiction) brought against the District of Colum-

1 bia Public Schools under the Individuals with Disabilities
2 Education Act (20 U.S.C. 1400 et seq.).

3 SEC. 815. In the current fiscal year and thereafter,
4 the amount appropriated to the District of Columbia may
5 be increased by no more than \$100,000,000 from funds
6 identified in the comprehensive annual financial report as
7 the District's fiscal year 2008 unexpended general fund
8 surplus. The District may obligate and expend these
9 amounts only in accordance with the following conditions:

10 (1) The Chief Financial Officer of the District
11 of Columbia shall certify that the use of any such
12 amounts is not anticipated to have a negative impact
13 on the District's long-term financial, fiscal, and eco-
14 nomic vitality.

15 (2) The District of Columbia may only use
16 these funds for the following expenditures:

17 (A) One-time expenditures.

18 (B) Expenditures to avoid deficit spending.

19 (C) Debt Reduction.

20 (D) Program needs.

21 (E) Expenditures to avoid revenue short-
22 falls.

23 (3) The amounts shall be obligated and ex-
24 pended in accordance with laws enacted by the

1 Council in support of each such obligation or ex-
2 penditure.

3 (4) The amounts may not be used to fund the
4 agencies of the District of Columbia government
5 under court ordered receivership.

6 (5) The amounts may not be obligated or ex-
7 pended unless the Mayor notifies the Committees on
8 Appropriations of the House of Representatives and
9 Senate not fewer than 30 days in advance of the ob-
10 ligation or expenditure.

11 SEC. 816. (a) In the current fiscal year and there-
12 after, to account for an unanticipated growth of revenue
13 collections, the amount appropriated as District of Colum-
14 bia Funds pursuant to this Act may be increased—

15 (1) by an aggregate amount of not more than
16 25 percent, in the case of amounts proposed to be
17 allocated as “Other-Type Funds” in the Fiscal Year
18 2009 Proposed Budget and Financial Plan sub-
19 mitted to Congress by the District of Columbia; and

20 (2) by an aggregate amount of not more than
21 6 percent, in the case of any other amounts pro-
22 posed to be allocated in such Proposed Budget and
23 Financial Plan.

24 (b) The District of Columbia may obligate and ex-
25 pend any increase in the amount of funds authorized

1 under this section only in accordance with the following
2 conditions:

3 (1) The Chief Financial Officer of the District
4 of Columbia shall certify—

5 (A) the increase in revenue; and

6 (B) that the use of the amounts is not an-
7 ticipated to have a negative impact on the long-
8 term financial, fiscal, or economic health of the
9 District.

10 (2) The amounts shall be obligated and ex-
11 pended in accordance with laws enacted by the
12 Council of the District of Columbia in support of
13 each such obligation and expenditure, consistent
14 with the requirements of this Act.

15 (3) The amounts may not be used to fund any
16 agencies of the District government operating under
17 court-ordered receivership.

18 (4) The amounts may not be obligated or ex-
19 pended unless the Mayor has notified the Commit-
20 tees on Appropriations of the House of Representa-
21 tives and Senate not fewer than 30 days in advance
22 of the obligation or expenditure.

23 SEC. 817. In the current fiscal year and thereafter,
24 the Chief Financial Officer for the District of Columbia
25 may, for the purpose of cash flow management, conduct

1 short-term borrowing from the emergency reserve fund
2 and from the contingency reserve fund established under
3 section 450A of the District of Columbia Home Rule Act
4 (Public Law 93–198): *Provided*, That the amount bor-
5 rowed shall not exceed 50 percent of the total amount of
6 funds contained in both the emergency and contingency
7 reserve funds at the time of borrowing: *Provided further*,
8 That the borrowing shall not deplete either fund by more
9 than 50 percent: *Provided further*, That 100 percent of
10 the funds borrowed shall be replenished within 9 months
11 of the time of the borrowing or by the end of the fiscal
12 year, whichever occurs earlier: *Provided further*, That in
13 the event that short-term borrowing has been conducted
14 and the emergency or the contingency funds are later de-
15 pleted below 50 percent as a result of an emergency or
16 contingency, an amount equal to the amount necessary to
17 restore reserve levels to 50 percent of the total amount
18 of funds contained in both the emergency and contingency
19 reserve fund must be replenished from the amount bor-
20 rowed within 60 days.

21 SEC. 818. (a) None of the funds contained in this
22 Act may be used to enact or carry out any law, rule, or
23 regulation to legalize or otherwise reduce penalties associ-
24 ated with the possession, use, or distribution of any sched-
25 ule I substance under the Controlled Substances Act (21

1 U.S.C. 801 et seq.) or any tetrahydrocannabinols deriva-
2 tive.

3 (b) The Legalization of Marijuana for Medical Treat-
4 ment Initiative of 1998, also known as Initiative 59, ap-
5 proved by the electors of the District of Columbia on No-
6 vember 3, 1998, shall not take effect.

7 SEC. 819. None of the funds appropriated under this
8 Act shall be expended for any abortion except where the
9 life of the mother would be endangered if the fetus were
10 carried to term or where the pregnancy is the result of
11 an act of rape or incest.

12 SEC. 820. Amounts appropriated in this Act as oper-
13 ating funds may be transferred to the District of Colum-
14 bia's enterprise and capital funds and such amounts, once
15 transferred shall retain appropriation authority consistent
16 with the provisions of this Act.

17 SEC. 821. (a) INCREASE IN HOURLY RATE FOR AT-
18 TORNEYS REPRESENTING INDIGENT DEFENDENTS IN
19 THE DISTRICT OF COLUMBIA COURTS.—Section 11–
20 2604(a), District of Columbia Official Code, is amended
21 by striking “\$65 per hour” and inserting “\$90 per hour”.

22 (b) INCREASE IN CAPS ON TOTAL COMPENSATION
23 PAID FOR PARTICULAR CASES.—Section 11–2604(b),
24 District of Columbia Official Code, is amended to read as
25 follows:

1 “(b) The compensation to be paid to an attorney ap-
2 pointed pursuant to this chapter shall not exceed the fol-
3 lowing maximum amounts:

4 “(1) For representation of a defendant before
5 the Superior Court of the District of Columbia for
6 misdemeanors or felonies, the maximum amount set
7 forth in section 3006A(d)(2) of title 18, United
8 States Code, for representation of a defendant be-
9 fore the United States magistrate judge or the dis-
10 trict court for misdemeanors or felonies (as the case
11 may be).

12 “(2) For representation of a defendant before
13 the District of Columbia Court of Appeals, the max-
14 imum amount set forth in section 3006A(d)(2) of
15 title 18, United States Code, for representation of a
16 defendant in an appellate court.

17 “(3) For representation of a defendant in post-
18 trial matters for misdemeanors or felonies, the
19 amount applicable under paragraph (1) for mis-
20 demeanors or felonies (as the case may be).”.

21 (c) SPECIAL RULE FOR COMPENSATION OF ATTOR-
22 NEYS IN NEGLECT AND TERMINATION OF PARENTAL
23 RIGHTS PROCEEDINGS.—Section 16–2326.01(b), District
24 of Columbia Official Code, is amended—

1 (1) in paragraph (1), by striking “\$1,600” and
2 inserting “\$1,980”;

3 (2) in paragraph (2), by striking “\$1,600” and
4 inserting “\$1,980”;

5 (3) in paragraph (3), by striking “\$2,200” and
6 inserting “\$2,700”; and

7 (4) in paragraph (4), by striking “\$1,100” and
8 inserting “\$1,350”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall apply with respect to cases and pro-
11 ceedings initiated on or after the date of the enactment
12 of this Act.

13 SEC. 822. Except as expressly provided otherwise,
14 any reference to “this Act” contained in this title or in
15 title IV shall be treated as referring only to the provisions
16 of this title or of title IV.

17 This Act may be cited as the “Financial Services and
18 General Government Appropriations Act, 2009”.

Union Calendar No. 594

110TH CONGRESS
2^D Session

H. R. 7323

[Report No. 110-920]

A BILL

Making appropriations for financial services and
general government for the fiscal year ending
September 30, 2009, and for other purposes.

DECEMBER 10, 2008

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed